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IMPLEMENTATION OF THE INTERNATIONAL COVENANT ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS

Second periodic reports submitted by States parties under articles 16 and 17 of the Covenant in accordance with the programmes established by Economic and Social Council resolution 1988/4

Addendum

NETHERLANDS: EUROPEAN PART OF THE KINGDOM

[20 June 1996]

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* The initial reports concerning rights covered by articles 6 to 9 (E/1984/6/Add.20), by articles 10 to 12 (E/1980/6/Add.33) and by articles 13 to 15 (E/1982/3/Add.44) submitted by the Government of the Netherlands were considered by the Committee on Economic, Social and Cultural Rights at its third session in 1989 (see E/C.12/1989/SR.14-15) and the Sessional Working Group of Governmental Experts on the implementation of the International Covenant on Economic, Social and Cultural Rights in 1984 (see E/1984/WG.1/SR.3-4, 8) and in 1986 (see E/1986/WG.1/SR.14 and 18). The second periodic report concerning rights covered by articles 10 to 12 (E/1986/4/Add.24) was also considered by the Committee on Economic, Social and Cultural Rights at its third session (see E/C.12/1989/SR.14-15).

The information submitted by the Netherlands in accordance with the guidelines concerning the initial part of reports of States parties is contained in the core document (HRI/CORE/1/Add.66).

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Introduction

1. This report is submitted pursuant to the revised guidelines regarding the form and content of reports to be submitted by States parties under articles 16 and 17 of the International Covenant on Economic, Social and Cultural Rights (E/C.12/1991/1). The report was finalized on 1 April 1996 and covers the rights contained in articles 6-15.

I. GENERAL INFORMATION

2. In addition to the information provided in the core document (HRI/CORE/1/Add.66), the following should be added as far as the role of international cooperation in the implementation of the International Covenant on Economic, Social and Cultural Rights is concerned.

3. The main objective of the overall development cooperation policy of the Netherlands is the fight against absolute poverty. The realization of the political, economic, social and cultural rights of people is part and parcel of this policy. At the heart of this policy are three strategic choices which are interconnected. These are, firstly, investment in people, in particular the poor, in order to increase their productive capacity; secondly, an improvement in provision of basic needs; and thirdly, greater participation by the poor in the process of political decision-making. These three choices have in common the fact that they not only accord special weight to the distribution of income (as the result of the economic process), but also to the factors of production in the broadest sense, such as the distribution of land, capital and access to education, health care and other basic amenities as well as to the cultural identity of people. Thus, in the development cooperation programme an ongoing effort is being made to promote the realization of political, economic, social and cultural rights at the level of policy dialogue as well as that of action.

II. IMPLEMENTATION OF SPECIFIC RIGHTS

Article 6 (work)

Long-term unemployed persons

4. In mid-1987, on the advice of the Joint Industrial Labour Council, it was decided to introduce reassessment interviews for all long-term unemployed persons. These interviews are aimed at promoting entry or re-entry into the labour market by taking a highly personal approach. To this end a plan of action is drawn up, showing the measures that can be taken (training, vocational orientation, work experience, placements) to help a particular individual find work. There are two target groups: persons who have been unemployed for three years or more and persons from ethnic minorities who have been unemployed for more than two years. This is a joint effort on the part of the local employment offices and municipal social services departments. The first interviews were held in October 1987.

5. In 1989, 26,500 people were invited for an interview. In 1989, this figure rose to 43,000. Fifteen per cent of the persons interviewed in 1989 found a job through direct placement activities. A plan of action was drawn

up for 54 per cent. For 23 per cent, it was apparently not possible to draw up a plan of action. In 1990, some 45,000 persons were asked to come for an interview.

6. A special project for ethnic minorities was started in 1989 to improve the effectiveness of reassessment interviews over a period of three years. This project consisted of setting up regional support offices to encourage minority groups to participate and to offer additional guidance.

7. The Long-term Unemployed (Promotion of Employment) Act 1986, as amended by Act of 5 July 1989 (Bulletin of Acts and Decrees 1989, 286), provides for two schemes for the integration of the long-term unemployed into working life. Together they form the Integration in Working Life Framework Regulations (Kaderregeling Arbeidsinpassing):

(a) A subsidy scheme to promote the employment of long-term unemployed persons in regular jobs, in accordance with the Act of 1986;

(b) A work experience scheme, which creates additional jobs in the public and private sectors.

8. The subsidy scheme comprises two elements:

(a) Exemption from payment of the employer's social security contributions for a maximum of four years, resulting in 1989 in a 17 per cent reduction in salary costs;

(b) A one-off subsidy for supervision and training of up to 6,000 guilders for those who have been unemployed for longer than three years, and 4,000 guilders in other cases.

9. The target groups are:

(a) Jobseekers who have been unemployed for longer than two years and are registered at the local employment office (GAB) or who, according to the Director of the GAB, have clearly demonstrated that they have been unemployed and actively seeking employment for longer than two years (for those who were previously employed);

(b) Jobseekers who have been unemployed for longer than one year, and belong to an ethnic minority;

(c) Jobseekers who have participated for at least six months in the Temporary Municipal Youth Employment Initiatives Scheme (see under Special Groups below).

10. It is a condition of the scheme that an employment contract for at least 15 hours per week and lasting at least six months must be drawn up. The wages paid must be in line with the collective labour agreement (CAO) applicable to the company/sector concerned or, if there is no collective agreement, the statutory minimum wage.

11. The work experience scheme creates additional jobs in the public and private sectors. The employment contract must be for one year or less. There are two elements to the scheme:

(a) Exemption from payment of the employer's contributions, as described above, but for a maximum of one year;

(b) A maximum allowance for training and supervision costs of 15,000 guilders (private sector) or 22,000 guilders (public sector).

12. The target group comprises jobseekers who have been unemployed for three years or more and have had a reassessment interview resulting in a recommendation that they be placed in a work experience post. An important condition is that the job must be additional and therefore not a regular job. Jobs that have been created under the terms of a collective labour agreement or negotiations between the trade unions and employers' organizations are regarded as additional. If such an agreement does not exist, the Regional Manpower Services Board must then independently decide whether jobs are additional or not. A second condition is that the employer must draw up a supervision plan guaranteeing practical training and supervision for the person concerned. When someone working under this scheme is offered a regular job, the employer remains exempt from the payment of social security contributions for a total of four years in all. In 1989 some 4,350 jobs were created under this scheme.

Table 1. Application in practice of the Integration in Working Life Framework Regulations

New applications:

	Additional jobs	Regular jobs
1989	1,100	3,900
	Public sector	Private sector
1990	4,400	2,000
		12,300

Scope on a yearly basis:

	Additional jobs	Regular jobs
1989	600	1,950
1990	3,200	9,400

13. Participation in 1990: 44 per cent women, 12 per cent ethnic minorities. Age distribution: 13 per cent under 24, 21 per cent between 25 and 29, 39 per cent between 30 and 39, 23 per cent 40 and 49 and 4 per cent aged 50 or over. The spread of jobs provided under the Integration in Working Life Framework Regulations across the various sectors of employment reflects the distribution of employment opportunities. There is, however, a certain overrepresentation of regular jobs in commerce and of additional work experience jobs in the other services (especially in the public sector).

Special groups

14. Youth Employment Scheme. The Temporary Municipal Youth Employment Initiatives Scheme was introduced on 16 March 1987. This scheme, which was the forerunner of the present Youth Employment Scheme, was set up to create additional jobs in the public sector. It was run by the local authorities. The local authorities and unemployed young people under the age of 21 were free to decide whether they wished to participate or not. The local authorities offered young people the chance to gain some work experience, where possible in combination with supplementary training, with a view to helping them find a job. Between March 1987 and January 1992 the scheme provided part-time work experience (19 hours per week) for some 5,000 young people a year.

15. In September 1991 this temporary scheme was superseded by the statutory Youth Employment Scheme (JWG). The two schemes differ in several respects. Unlike the temporary scheme, the JWG stipulates that local authorities are obliged to offer additional jobs to unemployed persons under the age of 21 and to those aged between 21 and 27 who have left school and have been registered as jobseekers for at least six months. In addition, the JWG provides for additional jobs of this kind to be created not only in the public sector but also in the private sector, if the Regional Manpower Services Board approves.

16. The JWG target group has been gradually extended. In 1992 the JWG applied to all persons aged 16 or 17 and to school leavers under 21 years of age. In 1993 it was extended to include all unemployed young people under the age of 21 plus all 21-year-olds leaving education. Each year since then, the age limit for the latter category has been raised by one year so that the scheme will ultimately apply to all young people under 27 leaving education and all unemployed young people under the age of 21. Once the scheme is fully operational in 1997 it is expected that youth employment will be cut by 19,000 persons.

17. The JWG is intended as a last resort: young people who do not succeed in finding a training place or a regular job and who are not eligible or not yet eligible to participate in one of the other employment schemes open to adults who have been unemployed for six months or more will be offered a job by the local authorities. Once the scheme is operating properly no young person will be unemployed for more than six months after leaving school: he/she will either have found a job or a training place by him- or herself or through the local employment office or will have been offered a job under the JWG scheme.

18. Because of its nature as a scheme of last resort, persons who are given a job under the JWG scheme lose their entitlement to unemployment benefit. In this way the scheme will also function as a last resort in terms of income, albeit by providing a wage rather than unemployment benefit. The scheme will be run by the local authorities, who will have to cooperate with other public employers to provide jobs.

19. The JWG is the cornerstone of policy on tackling youth employment, which is designed to provide a safety net for young unemployed persons. Young people will be placed on the scheme if the personal, tailored approach fails to find work for them by any other means. A job under the JWG scheme should not therefore be regarded as an end in itself but as a route to a regular job.

20. There are three phases to the process of finding someone a job under the scheme:

(a) The local employment office attempts to find a permanent job for the young person concerned. This continues for a minimum of 6 and a maximum of 12 months;

(b) If a job cannot be found for them during this period the local authority is then obliged to offer them a job of 32 hours per week at the minimum hourly rate (equivalent to 80 per cent of the minimum wage). Central Government reimburses all wage costs as well as the costs of supervision and mentoring. The scheme is budget-neutral for public employers. The possibility of finding a permanent job or training for the young person is reviewed every six months. If, after this period, the young person concerned still has not found a permanent job, he or she has to switch to another job. This continues up to the age of 27;

(c) The third phase starts during the second phase. The local employment office and the JWG organization, together with the young person in question, look into other ways of finding a regular job. Special training is often the answer.

21. Job Plan. The Job Plan scheme was set up as a temporary employment service with START, a non-profit-making temporary employment agency, acting as intermediary. Young people were placed with employers as temporary staff at a reduced fee for a maximum period of one year. The target group comprised young unemployed people who had been registered with the local employment office for more than two years. In 1988 and 1989 around 4,500 and 3,500 young people respectively participated in the scheme. The average period of employment was 5.4 months.

22. On 1 April 1990 the Job Plan was replaced by the Temporary Employment Reimbursement Scheme. This scheme is not limited to young people. Anyone seeking work who has been unemployed for longer than two years may take part. Members of ethnic minority groups are eligible after being unemployed for one year. Young people who have been employed for six months under the Temporary Municipal Youth Employment Initiatives Scheme are also eligible. The unemployed person must work for the same employer for a consecutive period of no less than 12 weeks and no more than 12 months. The employer receives compensation amounting to 33 per cent of the wages paid. START receives a sum equivalent to 15 per cent of the wages paid to offset the cost of supervision.

23. Regional support offices. These centres were set up to facilitate the integration of ethnic minorities in Dutch society. Accordingly, they play an important role in promoting the proportional representation of minorities in the "hard" sectors of society and equipping individuals to stand on their own two feet. In this respect, they also help in the preparation, formulation and implementation of the policy on minorities pursued by the Regional Manpower Services Boards. This work includes giving the target group a better picture of the opportunities available; ensuring that in particular the motivated members of the target group take advantage of these opportunities; providing management support during training and during and after the placement of unemployed persons in the workplace.

24. Employment among older people. In the Netherlands more than 50 per cent of those aged between 55 and 65 no longer work. One half of those over 50 receive some form of benefit, the total bill for which, including supplementary pensions, comes to over 70 billion guilders a year. There are both social and economic reasons for encouraging older people to stay at work. The measures available to this end include a targeted employment policy, reducing involuntary retirement and the introduction of flexible retirement schemes.

25. A great deal of energy has been invested in recent years in establishing exactly what the employment status of older people in the industrialized world is. Only 22 per cent of men and 8 per cent of women over the age of 60 are in paid employment. The low level of employment among older women (see the table below) makes a preventive policy aimed at women extremely important. Such a policy will also enhance the incomes of future generations of older women.

Table 2. Employment participation levels of older workers in OECD countries (%)

	55-65 years		65+	
	Men	Women	Men	Women
Sweden	75	64	14	6
Japan	82	46	36	16
United States	74	53	24	12
Germany (1987)	63	26	5	2
Netherlands	46	17	3	0

Source: OECD (1990) from Social and Cultural Surveys 1992.

Table 3. Working population aged 15-64 years by sex, age, ethnic origin and level of education, 1987-1994 (annual averages)

	1987	1988	1989	1990	1991	1992	1993	1994
				x 1 000 persons				
Total	5 743	5 867	5 929	6 063	6 189	6 296	6 406	6 466
Men	3 763	3 797	3 825	3 865	3 912	3 967	3 999	4 014
Women	1 980	2 070	2 104	2 198	2 277	2 330	2 407	2 452
15-24 yr	1 162	1 148	1 112	1 085	1 055	1 042	988	945
25-34 yr	1 740	1 796	1 834	1 902	1 961	2 002	2 053	2 056
35-44 yr	1 534	1 584	1 623	1 672	1 711	1 716	1 724	1 753
45-54 yr	926	959	988	1 031	1 105	1 190	1 281	1 336
55-64 yr	380	380	373	373	357	363	361	377
Native Dutch	5 297	5 397	5 444	5 563	5 670	5 716	5 826	5 859
Minorities a/ comprising:	446	470	485	499	519	536	580	608
Turks	43	48	51	62	62	69	68	72
Moroccans	26	30	31	33	33	38	37	46
Other Medit. b/	42	44	40	38	46	42	43	45
Surinamese	85	77	87	87	98	92	108	117
Antillians	14	15	17	18	20	22	26	24
Other	236	259	259	261	260	273	298	304
Primary	.	.	.	709	670	651	613	604
MAVO	.	.	.	429	454	456	469	476
LBO	.	.	.	1 098	1 093	1 071	1 041	1 030
HAVO/VWO	.	.	.	291	311	338	330	351
MBO	.	.	.	2 203	2 313	2 329	2 419	2 453
HBO	.	.	.	887	937	995	1 061	1 068
WO	.	.	.	412	403	449	468	483

a/ Persons not born in the Netherlands or who do not have Dutch nationality.

b/ Algerians, Greeks, Italians, (ex-)Yugoslavs, Portuguese, Spaniards, Tunisians.

Key to types of education

MAVO: junior general secondary; LBO: junior vocational; HAVO/VWO: senior general secondary/pre-university; MBO: senior secondary vocational; HBO: higher professional; WO: university

Table 4. Working population aged 15-64 years by sex, age, ethnic origin and level of education, 1987-1994 (percentages)

	1987	1988	1989	1990	1991	1992	1993	1994
	as % of the corresponding population group c/							
Total	57.3	58.0	58.3	59.3	60.1	60.8	61.5	61.7
Men	74.2	74.2	74.3	74.6	75.0	75.6	75.5	75.5
Women	40.0	41.5	41.9	43.6	44.9	45.7	47.0	47.6
15-24 yr	47.5	47.5	47.0	46.9	46.8	46.4	45.9	45.0
25-34 yr	72.3	73.6	74.1	75.9	77.3	78.3	79.5	79.3
35-44 yr	69.3	70.0	70.7	71.6	72.9	73.7	74.4	75.1
45-54 yr	58.8	59.8	60.1	61.2	62.9	64.3	65.3	66.3
55-64 yr	27.5	27.5	27.0	26.9	25.8	25.9	25.5	26.4
Native Dutch	57.7	58.5	58.8	59.9	60.9	61.7	62.4	62.7
Minorities a/ comprising:	53.2	52.9	53.5	53.2	52.9	52.7	53.7	53.7
Turks	43.9	47.1	41.8	47.3	42.8	42.3	43.0	42.4
Moroccans	38.8	38.5	37.8	36.7	37.5	34.5	33.0	40.0
Other Medit. b/	63.6	61.6	65.6	57.6	60.35	57.5	60.6	56.3
Surinamese	52.5	49.0	55.1	53.4	53.6	56.4	59.0	60.3
Antillians	56.0	57.7	51.6	54.5	58.8	55.0	57.8	55.8
Other	56.2	56.6	57.4	57.4	57.0	58.2	58.3	57.3
Primary	.	.	.	36.7	36.1	36.7	35.8	36.7
MAVO	.	.	.	39.0	40.4	41.5	42.4	41.7
LBO	.	.	.	58.1	59.2	59.0	59.2	58.8
HAVO/VWO	.	.	.	43.6	46.0	46.0	45.6	49.0
MBO	.	.	.	73.4	73.9	73.9	74.2	74.2
HBO	.	.	.	79.0	79.1	79.2	80.3	78.4
WO	.	.	.	87.1	87.0	88.6	88.5	86.7

Source: CBS, Working Population Survey.

a/ Persons not born in the Netherlands or who do not have Dutch nationality.

b/ Algerians, Greeks, Italians, (ex-)Yugoslavs, Portuguese, Spaniards, Tunisians.

c/ i.e. gross participation rate.

26. In the Netherlands, the participation rate drops noticeably after the age of 50: in 1994 67 per cent of 45 to 49-year-olds were still working compared with only 57 per cent of 50 to 54-year-olds. In each of the following five-year cohorts the level of participation continues to drop by 20 to 25 per cent per cohort right down to 12 per cent. This decline is particularly marked among men and has indeed become more marked in recent years. In 1987 the rate of participation among men aged 50 to 64 was 55 per cent and 24 per cent among the over-60s; in 1994 the figures were 54 per cent and 19 per cent respectively. There has been a slight rise in the participation rate among women, from 16 per cent for the over-50s in 1987 to 20 per cent in 1994 and from 5 per cent to 6 per cent for the over-60s. The Netherlands still differs from other industrialized nations in having a low percentage of older persons in employment.

27. The Government would like to see the rate of employment among older persons rise. This has to do with demographic trends, such as the decline in the working population, and social considerations, such as the risk of exclusion from society, as well as financial considerations, such as the cost of financing the social security system. Priority is being given to reducing the number of older employees who stop working. The social partners play a pivotal role in this.

28. The following measures need to be taken to raise the level of employment among older persons:

(a) A more gradual transition from paid employment to retirement;

(b) Efforts to prevent discrimination on the grounds of age;

(c) Providing jobs for the long-term unemployed;

(d) Experimental schemes under the new National Assistance Act;

(e) The reintegration into working life of older persons receiving invalidity benefit;

(f) No exemption for older persons from the obligation to apply for jobs;

(g) Information aimed at improving the image employers have of older employees together with information about the opportunities available for long-term employment among older persons;

(h) Policy on older persons (mobility and training) and promoting a proper safety, health and welfare policy;

(i) Part-time employment scheme for older public servants and civil service policy on older personnel;

(j) Training;

(k) Promoting a proper sickness absence policy in the workplace.

29. A new trend in recent years has been the growing number of "younger" older women entering or re-entering the labour market. Given the lack of research findings and statistics on this subject, the Netherlands submitted an additional question for inclusion in an EC study of women returners in the care sector and the factors which determine whether or not they return to work.

30. Measures to promote employment among women: childcare policy 1990-1995. In the late 1980s organized childcare facilities were available in only 200 of the 700 municipalities which existed in the Netherlands at that time; a total of 20,000 places were available. The Netherlands lagged behind the rest of Europe in this respect. The level of employment among women was also lower than in other comparable European countries.

31. Since 1990 the Dutch Government has been pursuing a policy aimed at expanding childcare provision. Extra funds have been made available for this purpose. The initial aim was to increase the number of places by 50,000 over a four-year period (1990-1993). A special subsidy scheme was set up to this end, under which the municipal authorities were eligible for a grant covering part of the cost of providing childcare. The rest of the money came from charges to parents, fees paid by employers for childcare places for their staff and other income. The scheme was extended for a further two years (1994-1995) in order to consolidate the progress made and to increase the number of places hired out to companies and organizations for their employees. The scheme will be wound up at the end of 1995 and the remaining funds transferred to the municipal authorities.

32. The primary objective of this policy is to increase capacity with a view to raising the level of employment among women. The subsidy conditions and recommendations made to the municipal authorities have, however, resulted in the following additional benefits: better access to childcare facilities for low-income, minority and single-parent families; participation of companies and organizations and employers/employees in the expansion and funding of childcare facilities; improved quality.

33. The disabled. Special attention is paid to the role of existing vocational training provision for this category and the provision of work experience in rehabilitation centres (for both the physically and mentally handicapped). In order to optimize the employment prospects of disabled persons, it is essential that specific attention should be paid to this matter from the earliest possible stage of the rehabilitation process. The rehabilitation centres work together with the industrial insurance boards and manpower services to enhance the employment prospects of their patients. In 1995 the Government announced that it would be stepping up its policy on the reintegration of disabled persons as part of the multi-year programme on intersectoral policy on the disabled 1995-1998.

34. The following measures are being considered: wage supplements, wage cost subsidies, incentives to encourage the disabled to set up their own businesses, incentives for older disabled persons, expansion of the scope for training under the Unemployment Benefits Act, trial placement without loss of benefit and use of the subsidy scheme for personal support for disabled employees.

35. In 1991 the independent National Commission for the Chronically Ill was set up. Until 1999 this body will advise the Government and other relevant parties on ways of improving the position of the chronically ill in the fields of care, public information, social integration and research. The Commission's working programme includes activities relating to employment and in particular: general access to work; finding a job for the first time; holding down a job; re-entering the labour market. A start has been made on vocational guidance for young people who are chronically ill and the development of reintegration plans for the partially incapacitated and the chronically ill.

36. The Young Persons Vocational Training Grants Scheme (BVJ) was replaced on 1 July 1990 by the Apprenticeship Training Grants Scheme (BVL). The difference between the two schemes is that the BVL no longer has an age limit. The Framework Regulations on Training were reviewed in 1990.

Choice of employment

37. Equal treatment of men and women. On 1 July 1989 the amended version of the Equal Opportunities Act, consolidating the legislation on equal treatment for men and women - including equal pay for work of equal value - in a single Act, came into force. With regard to the substance of the Act, it made no fundamental changes to the equal rights legislation previously in force. It did, however, incorporate a number of changes aimed at achieving a more effective application of the principle of equal treatment. As far as pay equality is concerned, the following changes were made:

(a) The old legislation applied exclusively to work situations where the person concerned had a contract of employment or a permanent appointment. The new Act applies to almost any work situation where one person is in a position of authority over another, whether in government service or in the private sector, including work experience placements, voluntary work and work without loss of benefit;

(b) In disputes concerning pay equality, the amended Act did away with the obligation to seek advice from the Equal Employment Opportunities Commission (replaced as of 1 September 1994 by the Equal Treatment Commission) before taking the matter to court;

(c) The amended Act enables representative advisory bodies (such as works councils) and interest groups (e.g. trade unions and employers' organizations) as well as individual employees to appeal to the Equal Employment Opportunities Commission (now the Equal Treatment Commission). This Commission handled queries or complaints about inequality of treatment arising from the Act. Moreover, the Act gives interest groups - as well as individuals - the opportunity to seek a court ruling ("group action");

(d) As of 1 July 1989 there was one Equal Employment Opportunities Commission for both the public and private sectors instead of two separate bodies. This body was replaced on 1 September 1994 by the Equal Treatment Commission (see below under Equal Treatment Act). Below follows a description of the structure and working methods of the Equal Employment Opportunities Commission prior to its abolition in September 1994.

38. The Commission has three separate divisions, each comprising three to five members. Incoming requests are distributed according to the subject matter and current workload. At the moment the work is, in principle, distributed as follows:

Division I: recruitment and questions relating to pensions;

Division II: terms of employment, excluding pay;

Division III: vocational training, liberal professions.

39. The procedure starts with a written request for advice. In most cases there will already have been contact by telephone with the secretariat to obtain information about the Commission's work. Upon receiving a request, the Commission will first decide whether it is admissible. If the answer is yes, it will decide at the same time what procedure to follow and which division will deal with the case.

40. The case will normally be investigated on paper to begin with. However, the Commission may decide to investigate the matter personally, in which case it is often assisted by the Wages Investigation Board of the Ministry of Social Affairs and Employment. All the papers taken into account by the Commission in assessing the case are sent to the parties involved. After completing its investigation, the division holds a session which all the parties are invited or requested to attend. The Commission then arrives at a decision in private. The decision is forwarded to the parties involved as soon as possible.

41. These investigations are free of charge. There is no need for the parties involved to be represented by an attorney. The sessions of the divisions are in principle open to the public. The files are only open to the parties concerned.

42. For cases where the normal procedure would take too long, there is a procedure for urgent cases and a shortened procedure which may be used under certain conditions.

43. With a view to guaranteeing the effectiveness of the legislation on equal treatment of men and women, a study was begun in 1993 to analyse its effectiveness. The study is in two parts. In the first part (which came to an end recently) the following aspects of the legislation were evaluated on the basis of developments in the literature and case law: the clarity of its structure; the clarity of the standards it sets; the effectiveness of the sanctions and the legal remedies available to implement it. The second part will focus on the impact of the legislation in practice. Through interviews in the workplace and with interest groups, it will be determined to what extent the people concerned are familiar with the contents of the legislation and the procedures provided for, and what importance employers attach in practice to the standards it sets in relation to other factors that influence their behaviour.

44. During the period under review the following surveys were carried out to establish the extent of compliance with the legislation both in collective

agreements and in practice. A study was conducted of the extent to which collective agreements still contained provisions that did not conform with the legislation by the end of 1991. In 1984 numerous cases of discrimination were to be found in collective agreements, especially in the fields of short-term leave and additional emoluments for breadwinners. At the end of 1991, 28 of the 176 collective agreements (covering 90 per cent of the workers covered by collective agreements) which were investigated still contained discriminatory provisions. These provisions mostly concerned emoluments for breadwinners. This was significantly less than in 1984, when 38 of the 61 collective agreements contained such provisions. The Minister of Social Affairs and Employment has written a letter to the parties to 28 collective agreements urging them to change the provisions. As far as the collective agreement itself is concerned, the Government can do no more; it is up to individual workers to claim their rights under the legislation on equal treatment of men and women. As regards policy on the extension of the application of collective agreements, however, the Government can play, and does play, an active role. The application of discriminatory provisions cannot be extended. This applies to direct discrimination, provisions which favour breadwinners over other workers and, since December 1993, provisions under which the basic wage and holiday allowance of part-time workers (most of whom are women in the Netherlands) is not calculated proportionately to those of comparable full-time workers.

45. In addition, a study was carried out of the extent of compliance with the principle of equal pay in 635 companies. Direct discrimination did not occur. In 78 companies, however, situations were found that may or may not contravene the ban on indirect discrimination, depending on whether they could be objectively justified. The report in question gives the motives of the employers concerned for paying different wages (as requested by the Joint Industrial Labour Council) and the criteria by which it can be determined whether the condition of an objective justification has been fulfilled. The report also pointed out that employers were entitled to consult the Equal Employment Opportunities Commission on the matter. A copy was sent to all the companies that were involved in the study.

46. As members of the Joint Industrial Labour Council, the employers' and employees' organizations issued a statement on 14 November 1990 concerning the promotion of equal treatment on the labour market. Companies and the social partners were urged in this statement to take action to achieve equal opportunities for new and existing employees, irrespective of their age, sex, civil status, sexual orientation, beliefs, race, ethnic origin or nationality. The recommendations of the Joint Industrial Labour Council with regard to equal treatment in respect of the recruitment and selection of employees (Spring 1995) were recently brought to the attention of the employers' organizations once more in a special publication.

47. Racial discrimination. Since its inception in 1985 the National Bureau against Racism (LBR) has given priority to combating racial discrimination on the labour market. This is reflected in its legal work and in its research and policy-making activities. The Bureau has systematically built up a body of information for use in advising policy-makers, civil servants, politicians, employers, union officials, etc. and for incorporation in LBR publications and the courses which the Bureau runs or supervises.

48. At the end of 1989, the Ministry of Social Affairs and Employment commissioned an assessment of the General Association of Employment Agencies' code of conduct aimed at preventing racial discrimination in employment agencies. The LBR was represented on the committee responsible for monitoring the study.

49. In 1989 the LBR scrutinized the personnel policy of the municipal authorities. Sixteen medium-sized municipalities were examined. The LBR looked at the number of immigrants in the local population and the number of immigrants employed by the municipal authorities. The LBR had already looked at the policies on the employment of immigrants of four large municipalities in 1987. In none of the municipalities were the numbers found to be proportionate. As employers, the municipal authorities can play a major role in combating discrimination against immigrants on the labour market and can make a real contribution towards strengthening their position in the local labour market. A number of municipalities would appear to be making creative use of the opportunity to allow more immigrants to join their workforce. However, the majority have yet to embark on this course. Many of the municipalities examined have since contacted the LBR for advice. Regular reports will be issued on the progress made by the municipal authorities in this sphere.

50. The statement issued by the Joint Industrial Labour Council in November 1990 on improving the labour market position of ethnic minorities is still in force. It has been accompanied by a major information campaign by the Central Manpower Services Board and the appointment of 50 special advisers at employment offices.

51. In September 1992 the Minister of Social Affairs and Employment presented a policy paper on work and ethnic minorities to Parliament. The paper stresses the necessity of additional efforts by all parties in the labour market, including the ethnic minorities themselves.

52. In November 1993 the Central Manpower Services Board adopted a new, broad code of conduct on anti-discrimination for employment offices.

53. In February 1994 the Fair Employment of Ethnic Minorities Act was adopted by Parliament. The Act obliges employers to produce public annual reports on the composition of their workforce and draw up plans for the future (not public). The Act also indicates the role of works councils in this field.

54. The Government seeks to support the general policy on combating racial discrimination by contributing to studies carried out by trade unions.

55. The Netherlands also participates in the International Labour Organization project aimed at combating discrimination against migrant workers and ethnic minorities in the world of work.

56. Most ministries have developed specific activities to combat discriminatory behaviour in their areas of competence.

57. The Ministry of Education, Culture and Science pays constant attention to the issue of anti-discrimination, for instance in projects aimed at persons with a low or intermediate level of education, in the framework of intercultural education (ICO) and in teacher training.

58. Equal Treatment Act. On 1 September 1994 the Equal Treatment Act entered into force. The Act prohibits direct and indirect discrimination on grounds of religion, race, colour, political or other opinion, nationality or social origin, civil status, sex or sexual orientation. Discrimination is prohibited in the fields of employment (including vocational training), the offering of goods and services, and educational and vocational guidance.

59. Apart from this general Act, there is also the Equal Opportunities Act, which governs the equal treatment of men and women at work. The Equal Opportunities Act is a lex specialis with respect to the Equal Treatment Act. Where discrimination on grounds of sex in respect of the offering of goods and services and vocational training are concerned, the Equal Treatment Act applies.

60. With effect from the date of entry into force of the Equal Treatment Act, a new Commission was established that is charged with handling complaints with regard to matters covered by both the Equal Treatment Act and the Equal Opportunities Act. At the same time the Equal Employment Opportunities Commission was abolished. The Equal Treatment Commission, as it is known, has the same powers as the old Commission and can, in addition, apply to the courts to have actions which contravene either Act declared unlawful or prohibited or to seek an order reversing the consequences of that action. The Commission also has the power to make recommendations addressed to the person deemed to have contravened the Act concerned. The new Commission consists of nine members, including the president and two vice-presidents, and nine deputy members. For more information, see paragraphs 178-193 of the Core Document.

Measures to ensure the best possible organization of the labour market

61. The Manpower Services Organization. Since the first report by the Netherlands was compiled, a fundamental reorganization of the Manpower Services Department of the Ministry of Social Affairs and Employment has taken place. Prior to the entry into force of the Manpower Services Act on 1 January 1991, manpower services policy was implemented by the Ministry of Social Affairs and Employment and the local employment offices which operated under its auspices. The Act provides for a new public body, the Manpower Services Organization, which is headed by a tripartite Central Board made up of representatives of the employers' and employees' organizations (i.e. the central organizations which are deemed to be representative of their members at national level) and Government. The members of the Central Board representing the Government are appointed by the Minister of Social Affairs and Employment, the Minister of Education, Culture and Science and the Minister for Economic Affairs. The Union of Dutch Local Authorities appoints a single member with an advisory vote.

62. The three sections of the Central Board are of equal standing and have the same number of votes. Important decisions require a qualified majority

with the additional proviso that two of the sections together cannot outvote the third. A qualified majority is required among other things for decisions concerning the budget and the policy plan.

63. The Central Board is responsible for determining policy. The new Act provides for a high level of decentralization in implementing that policy. The organization is subdivided into 28 regions each of which is headed by a Regional Board that is also tripartite in structure. A third of the members are appointed by the employers' organizations, a third by the employees' organizations and a third by the local authorities. The Regional Board has considerable freedom to conduct a regionally oriented policy within the framework determined by the Central Board. The Act lays down fairly detailed procedural rules on drawing up the policy framework, the policy plan, the budget and the annual accounts both at central and at regional level. There are no regulations governing the content of policy. This is the joint responsibility of the three parties represented in the Central and Regional Boards.

64. The Minister for Social Affairs and Employment is responsible for supervising the Manpower Services Organization, which receives a central government grant. The Act stipulates that charges may be made for certain services but it is not yet apparent whether and to what degree this will be taken advantage of.

65. The staff of the Manpower Services Organization are no longer central government employees but employees with a contract of employment under civil law.

66. Technical and vocational guidance and training programmes. For both jobseekers and employers with vacancies to fill, the Manpower Services Organization can show them what their position on the labour market is and what opportunities there are. It may do so by providing information about vacancies/jobseekers or about instruments and facilities for promoting placement. In addition, attention is paid to providing information which can lead to placement in the long run, i.e information about training courses and careers. Besides its own activities in this area, the Manpower Services Organization can promote career counselling activities by awarding subsidies.

67. One of the main purposes of policy on stimulating employment is to achieve an equitable distribution in the participation of the various categories of the working population in the labour process. Special attention still needs to be paid to the long-term unemployed, ethnic minorities, women (including women returners) and the disabled. As a rule these categories occupy a weak position on the labour market and the only way to get them into jobs is by providing them with an intensive, well-planned, phased access route. Various instruments are used to this end, namely re-assessment, work experience, training, counselling and placement. The creation of access routes assumes an approach which keeps the prospect of placement open. Care should be taken to guarantee the coherence of the different phases, even if they are the responsibility of different organizations.

68. The Manpower Services Act of 1 January 1991, the Part-time Vocational Education Act (WCBO) and the Act establishing the Adult Education Framework

Act (IKVE) stipulate that the employment services are responsible for the planning of adult training financed by the Government. The Manpower Services Organization is expected to promote the quantitative and qualitative alignment of training with labour market requirements and the employment structures of each region.

69. With regard to ethnic minorities, 3,000 persons are to be placed in jobs in the health care sector and 800 in jobs in old people's homes. Applicants of Turkish and Moroccan origin, in particular, who do not have the qualifications required by law for work of this kind, are being targeted. They are being offered bridging courses to improve their qualifications.

70. The need for courses in intercultural management in small companies is being increasingly recognized. Very few persons from ethnic minority groups are employed in this category of companies. This is partly due to the lack of familiarity of employers with ethnic minority personnel, but some employers also unconsciously put ethnic minorities at a disadvantage by using recruitment and selection criteria which do not take account of cultural differences. The Government is supporting initiatives aimed at developing a way of making allowances for all kinds of factors such as lack of skills, discrimination and lack of communication, which can combine together to work against ethnic minorities. It is also promoting the establishment of a network for the exchange of knowledge between companies and organizations which have adopted the concept of intercultural management.

71. Protection against unempoyment. Reference is made to the above paragraphs as well as to the information given in relation to article 9 of the Covenant.

72. Statistical and other available information on the level of enmployment. Reference can be made to the information given in the eighth report on the application of atricle 1 of the European Charter (the right to work). Further information can be found in the Statistical Yearbook, which was submitted to the Centre for Human Rights together with the core document for the Netherlands.

Article 7 (conditions of work)

Remuneration

73. Some changes have been introduced in the legislation since the first report. Article 1638c of the Civil Code, referred to in the first report, has been amended such that employees are always guaranteed the minimum wage during the first six weeks of illness. Parties to collective labour agreements can, of course, agree on a higher wage. This amendment was introduced because of amendments to social security legislation (see art. 9). The Act of 11 February 1988 provides for measures to improve compliance with the Minimum Wage and Minimum Holiday Allowance Act. Firstly, the Act makes it possible for the Wages Investigation Board to monitor compliance with the provisions of the Minimum Wage Act. If the provisions have been contravened, the employer, the works council, the trade unions and employers' organizations concerned, and the employees who have been underpaid are informed. The employer contravening the Act is then urged to comply with its provisions. A few

months later, compliance with the Act by the employer in question is investigated again. Furthermore, every time a change is made to the salary received by an employee, he/she must be provided with an itemized salary statement by the employer. This obligation is laid down in the Civil Code. Finally, the power of the courts to reduce the penalty for failure to pay the minimum wage has been curtailed.

74. The mechanism for adjusting the level of the minimum wage and social security benefits has been changed too. Since 29 November 1991 an Act has been in force providing for a system linking the level of minimum wages to trends in salaries in general. This enables people on lower incomes to share in economic growth. However, higher minimum wages can also become a serious obstacle to lowering the unemployment rate. The Government can therefore decide to delink the level of the minimum wage from the general trend, and thus not raise the level of the minimum wage. A decree making it possible to delink the minimum wage has been in force since 1 January 1992.

75. As far as equal pay for work of equal value is concerned, reference may be made to the information on the amended Equal Opportunities Act in paragraphs 37-46 of this report.

Health and safety at work

76. The Working Conditions Act referred to in the first report is now fully in force. The aim of the Act is to ensure health and safety at work and job satisfaction. Consultation and information are among the Act's main concerns. Employer and employees are to work together and consult at all levels within a company, public service department or agency. Employers and employees should work together to improve working conditions. Employers should pursue policies designed to make work as safe and healthy as possible, and keep their employees informed on terms and conditions of employment and the appropriate protective measures. Employers are also obliged to report serious accidents and occupational diseases to the Labour Inspectorate. Employers of young people under the age of 18 must inform them fully about the nature of their duties and the associated potential dangers, and about opportunities for education and training. They are also obliged to involve them in their work in such a way that it helps their education, and to provide written information about the statutory regulations that are relevant to them.

77. Expert assistance. Employers must call in expert assistance in discharging certain of the responsibilities specified in the Working Conditions Act. In principle they are at liberty to organize expert support in the manner that is most appropriate to their organization. They must ensure, however, that:

(a) The activities of the experts called in are coordinated;

(b) There is a written record of who is responsible for providing what assistance, what resources are available to them and who is in direct charge;

(c) The staff and services supporting the employer cooperate;

(d) A copy of any recommendations made to the employer or participation body (or the staff involved) by, for example, a certified safety, health and welfare service (SHW service) is always sent to any other experts employed by the organization.

78. In discharging the following responsibilities - the "basic package" - the employer must enlist the support of one or more certified SHW services:

(a) Identifying and assessing all risks that the work poses to the safety, health and welfare of the employee and recommending follow-up measures;

(b) Counselling staff who are ill;

(c) Conducting voluntary medical examinations for staff;

(d) Holding an occupational health surgery;

If a company lacks the requisite expertise in a certain area, the employer should call in experts to assist him and his staff or their representatives:

(e) By providing advice on the protective measures to be taken;

(f) In implementing protective measures.

79. In consultation with the staff (or their representatives) employers themselves largely determine what assistance will be required from a certified SHW service. (The Ministry of Social Affairs and Employment is, for the time being, the certifying authority for SHW services.)

80. A risk assessment will indicate the level of expertise required. Following consultation with the employees (or their representatives) an employer may determine how the expert assistance required to implement protective measures is to be organized and what experts are to be called in. These need not necessarily be the same experts as those who assist delivering the basic package.

81. In companies employing up to 15 people, employers who are natural persons may perform the tasks listed under (e) and (f) themselves without obtaining expert assistance, provided they have sufficient expertise, experience, time and equipment.

82. Companies employing 100 or more people must produce an annual report on working conditions. Specific factories, particularly in the chemical sector, have to prepare safety assessment reports. These reports contain information about the various production processes of a particular plant, the potential risks and the measures that should be taken in the event of an emergency.

83. Employees have to exercise due care to prevent dangers to health and safety. They have to use machines and the related safety devices correctly. They have to wear the protective clothing, etc., required by law. Lastly they must comply with information and instructions relating to the work they perform.

84. The Working Conditions Act applies throughout the public and private sectors.

85. The existing consultative bodies in companies (works councils) have the right to request information directly from the employer, company doctor and Labour Inspectorate. They may contact the Labour Inspectorate directly, accompany its representatives during an inspection or ask the inspectorate to take measures. If there is a mandatory industrial service, it advises both the employer and the consultative bodies, and reports annually to the consultative bodies.

86. After consultation, employers and employees have to put into effect all the measures required by the Working Conditions Act. If they disagree about the enforcement of statutory provisions, the Labour Inspectorate may give a ruling at the request of the employer or the employees (through their representatives). The Labour Inspectorate may require the employer to introduce certain improvements or to stop work if immediate danger arises. The Labour Inspectorate is also empowered to issue the employer and/or the employee with an instruction indicating how to apply the Act. The Labour Inspectorate may be asked to make use of its powers by the employer, the consultative body, the majority of the employees involved or the union. Infringements of a number of provisions of the Working Conditions Act constitute criminal offences under the Economic Offences Act.

87. One provision merits particular attention. Employees have the right to stop work in the event of serious emergencies (provided that they immediately report such a stoppage to their superior or employer and the Labour Inspectorate is not able to take action immediately).

Equal promotion opportunities

88. No new legislative developments can be reported (see also paras. 37-36 of this report concerning equal opportunities for women).

89. As regards the activities of the social partners, reference may be made to a study by the Ministry of Social Affairs and Employment, published in March 1992. To obtain information on the arrangements in collective labour agreements and actual practice in companies in relation to affirmative action for women, 168 collective agreements were analysed and 842 enterprises visited. It was found that only a small number of enterprises and parties to collective agreements have formulated a permanent policy on this issue. Nevertheless, in practice there are a considerable number of arrangements in collective labour agreements and in companies. More than half of the 168 collective agreements analysed included arrangements for improving the position of women, especially the larger collective agreements. Taken overall, these agreements cover 75 per cent of workers. They normally take the form of declaratory provisions in accordance with which the enterprise aims actively at improving the position of women. The provisions may express a general objective or more detailed goals, such as improving recruitment and promotion for women within the company. Collective agreements have also

established employment and training projects for women and laid down an obligation to inform the trade unions (parties to the collective agreement) or the works council of activities and the results.

90. In over 20 per cent of the enterprises visited, measures had been taken to improve the recruitment and promotion of women. Some 20 per cent of companies also endeavour to discourage women from leaving the enterprise.

91. In April 1994 the Minister of Social Affairs and Employment sent a progress report to Parliament on women at work. The aim of the report was to evaluate policy in this field since 1990. At the same time the results of an evaluation of the impact of a number of instruments and measures, for instance the scheme to promote affirmative action for women and the legislation on parental leave, were presented to Parliament, as was a report on the first part of a study of the effectiveness of the Equal Opportunities Act. The progress report referred to above included a survey of conclusions for further policy and suggested additional measures to improve the position of women in general and certain categories of women.

Rest, leisure, limitation of working hours and paid holidays

92. Article 1638 bb of the Civil Code has been amended such that all employees (irrespective of their age) have a right to a minimum paid holiday equivalent to four times the agreed number of working days or hours per week (in other words four weeks for those working full time). Most collective labour agreements, however, provide for a holiday longer than the legal minimum.

93. The 1919 Labour Act will be replaced by the Working Hours Act as of 1 January 1996. The new Act will give more freedom to the social partners to determine the maximum hours of work. More information is given below.

94. The Labour Act was amended on a specific point by the Act of 12 April 1989, (Bulletin of Acts and Decrees 95), which repealed the ban on women working at night in factories and shops. As a transitional measure until such time as this legislation was fully operational, an earlier, limited, amendment was introduced by the Act of 5 March 1986 which included measures repealing the ban on working at night by women in factories and shops.

95. The Act of 12 April 1989 made it legal for women as well as men to do certain jobs which had hitherto been the preserve of men, including working at night. To sum up, in effect the amendments mean that all rulings which apply specifically to women are no longer valid. Exceptions may be found in sections 10, 10a and 11 of the Labour Act. These contain, for example, a ban on working within eight weeks of childbirth and an obligation on employers to adapt working and leisure time for pregnant employees wherever possible. The norms laid down by the 1919 Act as applying to men now apply to all employees, including women.

96. As regards normal working hours, the average number of hours worked per week has decreased as follows:

1985	38.3
1986	38.1
1987	38.0
1988	37.9
1989	37.9
1990	37.9
1991	37.9
1992	38.0
1993	38.0
1994	38.0
1995	38.0

97. The figures for 1988 onwards take into account collective agreements for companies with over 3,000 employees as well as sectoral and industry-wide collective agreements. The figures up to 1987 only take account of company-wide collective agreements for companies with over 5,000 employees. The figure for the year 1991 is based on 86 collective agreements, covering 2,420,900 employees.

98. Parliament recently passed an Act on hours of work and rest to replace the Labour Act of 1919. The new Act aims to achieve greater flexibility in how working and rest time is regulated, while taking account of safety, health and welfare, including caring activities. Greater responsibility has been placed on the social partners in this regard. The Act introduces a system of dual standards: standard rules on the one hand and what are called consultative rules on the other. Deviation from the standard rules, which contain the basic obligations, is allowed only in the framework of collective consultations and only if the consultative rules (which are more flexible) are respected. Collective consultations take place mainly in the framework of negotiations on collective agreements, but arrangements concerning the consultative rules can also be made with works councils and other bodies representing the employees. Monitoring the application of the basic obligations laid down by the standard rules and the arrangements made in collective consultations, under civil law, is done by the responsible persons or bodies. The Government confines itself to monitoring the application of the minimum standards laid down in the consultative rules, a matter governed by the criminal law.

99. The Act also aims to improve the scope for combining work and care, and work and other responsibilities. Such responsibilities have to be taken into account by the employer in determining individual working hours, together with other factors such as business or economic arguments. The interests of the employer and those of the organization have to be weighed against one another. In line with government policy on hours of work and rest, this process should form part of the company policy pursued by the employer.

100. The only provisions in the Act that do not apply equally to men and women concern pregnancy. Children (under 16) are not allowed to work, except in some clearly defined cases. The hours of work and rest for young people

(aged 16 and 17) are, wherever possible, the same as those laid down in the standard rules for adults. Young people are not, however, allowed to work at night.

101. To sum up, the basic premise of the Act is that work and rest times are dealt with by means of an approach based on the subject-matter rather than the sector or category of worker. As a result the subjects covered (for instance rest periods, working hours, night work) form the legal framework for all sectors of the economy and the public service. If exceptions prove necessary, they will be laid down by order in council. This approach results in a considerable simplification of the legislation and makes it easier to understand.

Article 8 (trade union rights)

Principal laws on trade union rights

102. No new developments can be reported since the first report submitted by the Netherlands (E/1984/6/Add.14 and 20).

Right to form and join trade unions

103. No new developments can be reported since the first report submitted by the Netherlands (E/1984/6/Add.14 and 20).

Right of trade unions to federate

104. No new developments can be reported since the first report submitted by the Netherlands (E/1984/6/Add.14 and 20).

Right of trade unions to function freely

105. No new developments can be reported since the first report submitted by the Netherlands (E/1984/6/Add.14 and 20).

Right to strike

106. Employees' right to take collective industrial action in the event of conflicts of interest is recognized. Article 6, paragraph 4, of the European Social Charter is directly applicable to strikes. Industrial action is considered to be legal if the following requirements are met:

(a) The right to industrial action is "subject to obligations that might arise out of collective agreements previously entered into";

(b) Serious rules of procedure are taken into account:

(i) no possibility has been left unexplored in the negotiations;

(ii) the industrial action has been announced in good time;

(c) Industrial action is the last resort;

(d) There is no reason to restrict the right to industrial action if there is no question of any violation of the rights and freedoms of third parties nor any threat to public order.

107. In addition to these requirements, the courts examine industrial action in the light of article 6, paragraph 4, of the Social Charter and article 6: 162 of the Civil Code. The resulting case law indicates that the right to collective action can be limited by the obligation to refrain from acts which are at odds with the duty of care owed by society at large with regard to the persons or goods of others.

Article 9 (social security)

108. Paragraph 139 of the first report submitted by the Netherlands (E/1984/6/Add.14 and 20) referred to a review of the social security system which was to be implemented in the years following the reporting period. This review has now taken place. The new system is explained in full in the booklet "A short survey of social security in the Netherlands" by the Ministry of Social Affairs and Employment which is submitted as an annex to this report.

Article 10 (protection of family, mothers and children)

Family

109. The working definition of a family used - and widely accepted - in the Netherlands in the context of the International Year of the Family 1994 was as follows: "A family is any living arrangement in which children are cared for and/or brought up". The use of the term living arrangement instead of "family" indicates the diversity of lifestyles involved. Every effort is made to treat these different arrangements on an equal basis in legislation.

110. Family law. Article 81 of Book 1 of the Civil Code states that spouses are obliged to render each other fidelity, help and assistance. Under the law, those who have custody of children - both parents, one parent, or a guardian - have both a right and a duty to care for and bring up the minor child in question. Care and upbringing are interpreted to include the care of and the responsibility for the child's psychological and physical well-being and the development of his/her personality (arts. 247 and 248, Book 1, Civil Code). Under article 249 of Book 1 of the Civil Code, minor children are obliged to take account of their parents or guardian and the other members of the family (or living arrangement) of which they form part.

111. During a marriage, the two parents share custody of their children. Parents who are not married or who are divorced may also share custody, if they agree to do so. Recent amendments to Dutch legislation make detailed provision for custody of minor children in all manner of situations (Act of 6 April 1995, Bulletin of Acts and Decrees 1995, No. 240, which entered into force on 2 November 1995). These amendments were necessary because many families no longer conform to the original idea of what constitutes a family, namely a mother and father who stayed married to each other at least throughout the childhood of the children who had been born of the marriage.

112. The law should afford protection and legal certainty to every child and every type of family in Dutch society. In legal practice, when it comes to deciding whether a particular situation constitutes a family, reference is made to the case law of the European Court of Human Rights in respect of article 8 of the European Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR), which concludes that relationships other than those of parent and child merit protection too. Examples include the relationships between a child and his/her grandparents, foster parents, aunt or uncle or other person with whom the child in question has forged close ties. If a dispute arises and recourse is had to the courts, the decision on whether article 8 of the ECHR can be invoked is made on a case-by-case basis. The way in which article 8 of the ECHR is interpreted can also vary from case to case. One situation might involve foreign nationals applying for a residence permit to be reunited with their family in the Netherlands, while another case could concern an application for arrangements for access to a child.

113. With regard to consent to marriage, the following should be noted. Marriage is regarded as a contract governed by family law. The free consent of both parties is required for a juristic act of this kind. A marriage may therefore not be entered into if the mental capacities of one of the parties are diminished to such an extent that he or she is incapable of determining what he or she wishes or of understanding the significance of the declaration (art. 32, Book 1, Civil Code). People's free will cannot be restricted by an engagement promise. The engaged couple have the right to withdraw from a promise they have given up to the point at which they utter their marriage vows before the registrar of births, deaths and marriages. In other words, engagement promises confer no legal claim to compensation for breach of promise; all other provisions are invalid (art. 49, para. 1, Book 1, Civil Code). However, if a promise to marry is broken after the marriage has been announced in the statutory manner, there may be grounds for a compensation claim (art. 49, para. 2, Book 1, Civil Code). If a marriage has been solemnized under the influence of an unlawful threat, with the result that consent was not given freely, either spouse may apply to have the marriage annulled (art. 71, para. 2, Book 1, Civil Code). The same applies if either spouse was mistaken during the marriage ceremony as to whom he or she was marrying or as to the significance of the declaration he/she made (art. 71, para. 2, Book 1, Civil Code).

114. Marriage should be entered into with the free and full consent of both parties because they should be aware of the consequences attached to marriage. The bride and groom declare that they will fulfil all the obligations incumbent upon marriage under the law, namely the mutual rights and obligations of fidelity, help and assistance (art. 81, Book 1, Civil Code) and the obligation to live together (art. 83, Book 1, Civil Code).

115. Childcare. Since 1990 the Ministry of Health, Welfare and Sport, previously the Ministry of Welfare, Health and Cultural Affairs, has been endeavoring to expand child care provision, with a view to increasing women's participation in the labour market. Under the Child Care Incentive Scheme, which operated from 1990 to the end of 1995, municipalities were awarded a subsidy of some 5,000 guilders for each new child care place created. As a result, child care capacity increased from 20,000 places in approximately

200 municipalities at the beginning of 1990 to 70,000 places in over 600 municipalities. The number of facilities (day nurseries, centres for out-of-school care and childminding agencies) rose from approximately 900 to around 2,000. At the end of 1993, 100,000 children were making use of some kind of child care.

116. The aim of policy is to improve quality as well as increasing capacity. A system of quality assurance and quality control, which will be the responsibility of the child care sector itself, is currently being developed. Under an order in council which is now in force, anyone wishing to open and run a child care facility must apply to the municipality for a licence.

117. Parenting support. Parents of young children may make use of facilities for child health care, which either do not involve extra expense (for example vaccinations and regular examinations at baby and toddler clinics) or small contributions for specific activities. Parent-and-child care (up to the age of four) is funded by national insurance contributions paid under the Exceptional Medical Expenses Act. Older children may take advantage of the health care available through schools, which is funded by the municipality, and also receive health education.

118. Responsibility for most of the facilities which may be used by parents and children by way of child care, support and caring has been decentralized to the municipalities or provinces in recent years. Central Government's role is mainly confined to monitoring and innovation. From 1994 to 1996, for example, experiments in parenting support are being carried out at seven locations to develop cohesive, demand-led provision and to look into the organizational and administrative conditions required.

119. Youth services. If problems arise in a family - for example with bringing up the children - the family may call on one of the forms of assistance available. Parents and children may, for example, make use of various forms of voluntary out-patient services or mental health care, foster care or residential or psychiatric care. There are also custodial institutions for young people. Some of the services referred to are covered by the Youth Services Act while mental health care is funded under the Exceptional Medical Expenses Act.

120. The majority of these non-mandatory services for young people are provided at regional level, responsibility for planning and funding having rested with the provinces and the three largest municipalities since 1992. Decentralization has been followed by a process of scale expansion, and the number of legal persons involved (institutions or services) has dropped from 451 to 273.

121. There are over 12,000 places in the Netherlands providing day or residential care for young people. Every year, some 10,000 young people spend some time in foster families. A policy aimed at rapid delivery of short-term help is beginning to bear fruit.

122. Families that do not make use of facilities. Although the facilities described here are, in principle, available to all sections of the population equally, more use is made of some of them by some groups than others. Young

people from ethnic minorities are, for example, over-represented in the youth services and custodial institutions. The reason for this may lie in different traditions (many ethnic minority families endeavour to resolve problems within the family itself if at all possible, so that if assistance is called in the problem has often reached serious proportions); in addition, problems arise in ethnic minority families as a result of language difficulties, unfamiliarity with institutions, different attitudes to authority and responsibility (for example, schools are responsible for children's behaviour at school and the police for their behaviour out of school) which mean that problems are not raised with the relevant agency in time. Furthermore, families and young people from both Dutch and ethnic backgrounds often have difficulty in finding their way to the right door: access to youth services will be improved by the introduction of the "front desk" system.

123. The problem of young people dropping out and becoming marginalized is most common in cities. In 1995, therefore the Government concluded an agreement with a number of large cities, covering, inter alia, policy on how to prevent and tackle the marginalization of young people. Within this framework, more specific agreements will be reached on a cohesive local policy.

Maternity protection

124. Under Dutch law, women in paid employment are required to stop work four weeks before the birth. They may, if they wish, start their maternity leave two weeks earlier. Depending on how much leave was taken up before the birth, women may take a maximum of 12 weeks after the birth, at 100 per cent of their salary. The costs are covered by the Exceptional Medical Expenses Act.

125. There are no specific measures for maternity protection for working mothers who are self-employed or work in a family business. However, the National Assistance Act provides for financial support to anybody resident in the Netherlands who is wholly or partially unable to provide for herself or her dependants, or who is in danger of finding herself in such a situation. A Home Help Service Scheme also exists, to which people may apply if they are unable to do their own housework, for example because a member of the family is in hospital.

126. After birth a comprehensive system of maternity care is available. For the first 7 to 10 days part-time or full-time professional maternity care is provided at home, up to a maximum of 68 hours. The visiting nurses also give the parents advice on baby care. During the first four years of a child's life, parents and children regularly attend baby and toddler clinics, for checks on the child's physical development, vaccinations, and advice on nutrition, behaviour and upbringing.

Children and young people

127. Young people (aged 13 to 18) in the labour market. A study was carried out in 1987/88 by the Regional Economy and Local Development Research and Consultancy Bureau in Amsterdam with the aim of providing an answer to the question of how far the present regulations prohibiting child labour are compatible with current standards and values relating to the place of the

child in society. The study involved 1,971 young people between the ages of 13 and 17, and looked at activities on which they spent more than five days a year.

128. In order to find out if the respondents had worked, the questionnaire included activities varying from working in a shop or in an office to club work, baby-sitting and gardening. The study therefore adopted a fairly broad definition of "work", because of its format (as a survey) and because of the statutory definition of work inside and outside a business. Being asked, for example, to wash the neighbours' car, to distribute a club folder, to baby-sit for the lady next door for a couple of hours, to carry out activities in a youth club or to sing in church - under the 1919 Labour Act these are all just as much cases of child labour as delivering newspapers or working in a shop. The survey covered such activities whether they were performed during term-time or during the holidays. In other words baby-sitting a couple of times a year for a friend or a member of the family is included in the percentages given. The same applies to delivering newspapers, including morning papers, evening papers, folders (clubs and shops), bills and other free local papers.

129. It should also be pointed out that the sample used in the study is not representative of all young people in the Netherlands. The limited scope for generalizing the results arising from the study is caused by the way in which the group studied was compiled. On the one hand a choice was made on qualitative grounds (the relative size of the groups in the study is not representative at national level) and on the other hand the representativeness of the study was affected by the way in which the respondents in the regions were asked to take part. There was never any question of a random sample of young people. The respondents were approached through schools and school classes. The numbers of children asked to participate in the different types of school do not correspond to either the national or the regional distribution of young people among these different sorts of school. The same applies to the ages of the respondents.

130. The limitations described above with respect to the survey's representative nature do not mean, however, that its results are without value. The information obtained gives a good qualitative picture of many aspects of young people's work. Its limitations have been made clear in order to ensure that no attempt is made to draw precise conclusions about young people in the Netherlands based on the numerical data from this study.

131. The study of quantitative forms of child labour showed that Dutch regulations are at odds with changes in social norms in the field of child labour. This conflict arises from a clash between the strict legal formulation of what work is on the one hand and on the other the fact that much of the child labour found in the study represents a leisure pursuit that cannot usually be considered work in the normal sense of the word. The study showed, for instance, that 32 per cent of the work done by children between the ages of 13 and 15 involved activities such as helping at home (7 per cent), baby-sitting at home or for relatives/friends (17 per cent), washing cars for neighbours or other acquaintances (8 per cent) - all of which are often seen as leisure activities. The same applied to children aged 13 to 15 who delivered folders or newspapers for a club, local shop or the local paper on occasion or for short periods.

132. The table gives further details of the number of violations of the ban on child labour and of work and rest times. It also contains an overview of the young people aged 16 and 17 who have left school and are permitted to work in the relevant sectors (including during seasonal and vacation periods). This is also the case for children aged 15 or older who, for example, are permitted to work in the holidays or on Saturdays in shops or the service sector, to perform on radio or television or in films, etc. and to deliver newspapers. Furthermore, the children of farmers and retailers whose dwelling and business are combined are permitted to put in the odd hour per day or week to help out at home. Twenty-seven per cent of all the work done by young people between the ages of 13 to 17 is vacation work.

Table 5. Young people in the labour market

Sector	Percentage	13-15 years old	16-17 years old
Retail*	9	7	12
Catering*	4	3	6
Office*	2	1	2
Garage/petrol station	1.5	1	1
Factory*	2	1	2
Stables*	2	3	1
Bulbs*	7	8	4
Other farm*	10	11	9
Cleaning*	2	2	3
Odd jobs*	1.5	1	2
Show business*	2	2	3
Newspapers*	13	13	13
Work at home*	3	2	2
Gardening**	4	5	4
Baby-sitting**	15	17	13
Washing cars**	7	8	4
Helping at home/Own business**	7	8	4
Club/voluntary work**	4	5	5
Other	1.5	3	7
Total	100	100	100

* Can be considered as work in a business.

** Can be considered as work outside a business.

The ages of the 1971 respondents were:

9 per cent - 17 years

24 per cent - 16 years

33 per cent - 15 years

25 per cent - 14 years

9 per cent - 13 years

133. The study also revealed that work may incorporate educational elements which can be important for the future prospects of young people, enabling them to gain experience so that they are not completely green when entering the labour market. It can also boost school attendance.

134. Special groups. Everyone in the Netherlands, young or old, enjoys the same rights. Everyone is entitled to protection and health care, education and other essential services. This does not only apply to those who are born in the Netherlands and brought up in a family, but also to the increasing number of under-age unaccompanied asylum seekers and to some 13,000 (out of approximately 3.5 million young people aged 17 and under) who grow up in institutional care, i.e.a home or residential facility (CBS Statistical Yearbook, 1995). The aim of policy is that children should grow up in private homes or families wherever possible. Homeless young people have the same rights too. Estimates of the number of young people who have run away from their homes or from care and are living on the streets vary from 4,000 to 7,500. Projects are under way in large and medium-sized cities aimed at guiding such young people back to a roof over their heads, education and employment.

135. Information on rights. The United Nations Convention on the Rights of the Child entered into force in the Netherlands on 8 March 1995. It is expected that the initial report to the Committee on the Rights of the Child will be made in March 1997. Under the Convention, children are entitled to make known their views on matters which concern them. In that connection, it should be noted that the first national youth debate took place in November 1995, when children and young people between the ages of 10 and 18 debated with members of the Government and members of Parliament. Local authorities, too, are increasingly involving young people in policy. Children also have the right to information.

136. Parents and children receive information on their rights in different ways. Information on the rights of the child, for example, is provided by municipalities, in a campaign that was launched in October 1995. Information on educational and career opportunities is provided by schools, notably by careers teachers and tutors. Youth Information Centres have been set up in libraries, community centres, welfare centres, etc. in 85 places throughout the country to provide information for young people. Youth organizations also play an important part in keeping young people informed: over 500,000 young people who are members of such organizations receive information through these channels. The Government Information Service (Postbus 51) mounts information

campaigns on specific themes, distributing leaflets on a large scale, aimed sometimes at parents and sometimes at children. During the reporting period, for example, there was a campaign against vandalism (slogan: "vandalism is so childish"). Other campaigns have focused on child abuse, safe sex, alcohol abuse and sexual harassment.

137. Specific policy measures. Specific policies in a number of areas are being developed for young people at risk and those who look after them.

138. International assistance. International directives and regulations affect various areas of youth policy. These include:

(a) EU legislation on childcare;

(b) The EU "Youth for Europe" programme, for the promotion of exchanges involving young people between the ages of 14 and 24, information and initiatives. The EU also has programmes to provide further training for the unskilled and to help them find jobs;

(c) In the framework of the draft Council of Europe resolution on the rights of the child, recommendations have been issued relating to participation, information for young people, and mobility, particularly for disadvantaged young people.

Article 11 (standard of living)

Economic situation

139. For figures on the economic situation in the Netherlands as of 1995, reference is made to the Statistical Yearbook which was submitted to the Centre for Human Rights together with the core document for the Netherlands.

Housing

140. Housing statistics. The major sources of detailed statistics on the Dutch housing situation are:

(a) "Volkshuisvesting in cijfers", published annually by the Netherlands Ministry of Housing, Spatial Planning and Environment (only available in Dutch);

(b) "Statistics on Housing in the European Community", published annually by the European Commission (this publication also contains specific data on the Netherlands and is submitted as an annex to this report).

141. Homeless individuals and families. People who are homeless in the Netherlands usually suffer from a combination of psychological and/or social problems and the lack of a place of their own in which to live is only one aspect of a complex situation. No one in the Netherlands is homeless as a consequence of a housing shortage or a lack of information on available housing.

142. Most experts agree that there are currently about 30,000 homeless people in the country out of a total population of 15.3 million (1994 figures). Most of these live in various kinds of hostel, boarding house, etc. Housing associations and other bodies play a role in finding appropriate independent accommodation for the homeless, in consultation with, for example, municipal social services.

143. Only a very small minority of the homeless sleep rough on the streets.

144. Housing conditions. On the basis of representative samples taken in 1989-1991, approximately 5 per cent of all Dutch dwellings are regarded as being "in serious disrepair", while another 15 per cent lack certain basic amenities or are unfit for habitation. Data relating to 1993/94 reveal that only 0.5 per cent lack a bath/shower; 17 per cent have no central heating (although other types of heating installations are used in such dwellings).

145. Some 960,000 dwellings - 18 per cent of the total housing stock - show some degree of technical deficiency. The pre-Second World War stock contains relatively more dwellings with some degree of disrepair than the post-war stock. In general, owner-occupied housing is in a better state of upkeep than rented accommodation. Within the rental sector it is privately rented housing which is most in need of refurbishment.

146. Illegal occupancy. It is difficult to gauge the extent of "illegal occupancy" (onrechtmatige bewoning) in the Netherlands. The phenomenon has long been considered a non-issue. However, the Ministry of Housing has recently started to organize meetings with local authorities in several large cities and housing associations operating in those cities with a view to obtaining a better view of the scope and nature of illegal occupancy. Some research is also in progress or planned.

147. It is assumed that, in absolute terms, illegal occupancy in the Netherlands is concentrated in the large towns and cities. "Illegal occupancy" includes subletting without the landlord's permission.

148. The following figures for illegally occupied dwellings in the four largest cities of the Netherlands are considered as not unrealistic by experts in the public and private sector: Amsterdam: 19,000; Rotterdam: 18,000; The Hague: 5,000 to 12,000; Utrecht: 6,000 to 7,000 dwellings. This means that 4 to 12 per cent of the existing social housing stock in these cities is occupied illegally. Many of the dwellings concerned are unattractive for a variety of reasons including their location, and are therefore difficult to let in the normal way.

149. Evictions. The number of people that have been evicted from their premises is very small. For the four largest cities in the Netherlands, the estimated total is a few hundred. Where it does take place people tend to be evicted for not paying rent or mortgage interest payments, for failing to meet the basic conditions of decent occupancy, or for illegal occupancy. Alternative accommodation, where necessary, is then sought with the aid of various agencies.

150. There is no lack of legal protection against arbitrary eviction in the Netherlands. The law provides protection to all those who have been evicted or face the prospect of eviction.

151. In a number of cases, illegal occupancy is tolerated, and the people in question are not evicted, even when there are legal grounds for doing so. Such occupancy is tolerated by municipalities and landlords for pragmatic reasons; they often assume that legal proceedings to effect eviction will be cumbersome and lengthy. However, toleration of illegal occupants is generally considered unacceptable by those who reside legally.

152. Affordability. The housing policy pursued by the Dutch Government is primarily aimed at "policy target groups" (aandachtgroepen van beleid). These are people who cannot or cannot entirely provide adequate housing for themselves. These groups are defined (in the Annual Housing Budget of 1995/96) in terms of expendable income: single-person (65 or younger) households, with an income of 35,000 guilders or less; single-person (over 65) households, with an income of 29,000 guilders or less; multi-person households where the head of the household is 65 or younger, with an income up to 46,000 guilders; multi-person households where the head of the household is over 65, with an income of 39,000 guilders or less. Measured in this way (with slightly different income levels as valid in 1994), about 2,323,440 households are regarded as belonging to these groups; this is about 38.5 per cent of the total number of Dutch households (as at 1 January 1994). People belonging to this group who are legally resident in the Netherlands are eligible for some kind of State housing assistance, provided certain conditions are fulfilled (see paras. 178-179).

153. On 1 January 1994 it was estimated that about 106,000 households could be considered to be spending too much on rent in relation to their total income. Policy measures implemented during the past few years have been successful in reducing the number to the present level. On the other hand, a larger group of about 738,000 households is considered to be spending too little on rent in these same terms. The background to such policy measures is the fact that 60 per cent of the existing housing stock consists of affordable rented accommodation (with rents of up to 810 guilders a month (as at 1 January 1994)) which means that, in principle, there are sufficient numbers of dwellings to accommodate the policy target groups. This, of course, is the national picture; in the western part of the country in particular, the number of dwellings for the lowest-income group is insufficient.

154. The numbers of people who receive housing benefit to help them pay their rent, a description of the measures taken to provide such benefit and other data can be found elsewhere in this report. A very small group of people who are eligible to receive such benefit do not in fact apply for it.

155. Obtaining accommodation. About 5 per cent of people in the policy target groups are considered to be in urgent need of accommodation or of alternative accommodation (as at 1 January 1994). The definition of "urgent need" is determined by the municipality and/or housing association concerned on the basis of municipal by-laws approved by higher authorities. Eligible candidates are put on waiting lists. Most of those in urgent need of accommodation already have some form of shelter, for example a normal dwelling

or rented room(s), or accommodation provided by their families or others; they are therefore, in fact, in search of alternative, more suitable accommodation.

156. The average waiting time for candidates on the waiting lists before they find alternative accommodation is about two years. However, in cases of extreme urgency the waiting times may be much shorter. If needed, temporary housing (such as accommodation in emergency hostels, boarding houses, etc.) can be provided.

157. Other measures taken to decrease these municipal waiting lists include the construction of new subsidized housing and encouraging people to move to more expensive accommodation if the level of their income can reasonably allow them to do so.

158. On a national basis the housing shortage has been calculated at about 3.5 per cent. The aim of policy is to reduce this level to 2.5 per cent by the year 2000.

159. Types of housing. In 1994, 52.4 per cent of all ordinary Dutch housing was rented, the remaining 47.6 per cent being owner-occupied. About 67 per cent of the rental sector consists of social rented accommodation; these are dwellings owned and let by housing associations (a total of 853 in 1992) and municipal housing authorities (a total of 195 in 1992); the remaining 33 per cent are private rented dwellings, owned and let by private individuals or profit organizations such as pension funds and insurance companies. ("Public sector housing" in the sense of social housing provided, owned and let by the State is limited to the housing stock of the previously mentioned municipal housing institutions. Their housing target groups are the same as for the housing associations.) These percentages more or less correspond to the number of persons living in the indicated tenure categories.

160. In addition to ordinary housing as defined in the Building Decree (see below) there are various other types of residential accommodation (Bewoonde Andere Ruimte (BAR)): rented rooms, houseboats, student flats, summer or recreational houses, etc. These presently amount to about 450,000 units. They can serve as temporary residences, but may also be occupied for longer periods. Almost half of the households living in such units are young single-person households (students), located mostly in urban areas and middle-sized towns.

161. Legislation. Article 1 of the Dutch Constitution states that all people shall be treated equally. Discrimination - in whatever form - is not permitted. This also applies to housing.

162. Article 22, paragraph 2, of the Dutch Constitution states explicitly that it is the concern of the authorities to provide sufficient living accommodation.

163. Entering a dwelling against the will of the occupant is only allowed in cases as stipulated by law by people who have been appointed by law to do so and subject to certain specific conditions (art. 12 of the Dutch Constitution).

164. Expropriation is only allowed in the interests of the general public and only in cases of emergency, against prior assurances, as determined by law (in the Expropriation Act).

165. The major Act of Parliament governing housing is the Housing Act of 1901. This Act has been amended several times since then (most recently in 1992). The Housing Act confers on the municipalities of the Netherlands the authority to prevent and counteract undesirable housing situations; the following main elements of this Act give substance to this:

(a) Municipal councils are obliged to issue building regulations (bouwverordening) based on the Building Decree (Bouwbesluit). The Building Decree, which applies to all municipalities, contains minimum quality requirements for new housing, the existing housing stock and its use. The municipalities are not allowed to impose additional requirements (see also below);

(b) Permission in the form of a building permit issued by the municipality must be obtained before housing construction may begin, to enable the municipality to guarantee the fulfilment of stipulated minimum quality requirements. On the basis of the amended Housing Act the Building Decree was issued. This was the outcome of a widespread desire to deregulate and simplify existing building regulations and make them applicable throughout the country. The Building Decree aims to guarantee the quality of building constructions in terms of safety, health, functionality and energy-efficiency. It is in line with European Union legislation;

(c) A request for a building permit may be refused if the building plans are not in line with the spatial planning (land-use) plans of the municipality. Such land-use plans are regulated in the 1965 Spatial Planning Act (Wet op de Ruimtelijke Ordening, amended in 1985). Municipalities play a central role in such planning. Provisions include procedures for community participation;

(d) The municipality is obliged to investigate the quality of the existing housing stock, and take appropriate action in case of insufficient quality or overcrowding of a dwelling;

(e) A municipality must take measures to supervise buildings and construction; it must have a building and housing inspection department which is responsible for issuing building permits, summons, declarations of unfitness for human habitation, and for investigation of the state of housing in the municipality concerned;

(f) It is the duty of central Government to inspect the housing activities of municipalities and of housing associations (see below);

(g) Issues related to the official recognition of housing associations. The primary task of officially acknowledged housing associations as laid down by law is to house people who, due to their lower income or to personal circumstances, have difficulty in finding suitable

accommodation for themselves. The rules by which they are bound have recently been amended in the Management of the Social Rental Sector Decree (Besluit Beheer Sociale Huursector) (see also paras. 213-217);

(h) Scope for financial housing assistance. As in the past, present-day housing subsidies are aimed at reducing housing construction costs (regulated in the Housing Subsidies Decree (Besluit Woninggebonden subsidies), the cost of land for housing (the Location-related Subsidies Decree - Besluit Locatiegebonden Subsidies) and the individual rent payments of tenants (Housing Benefit Act - Wet Individuele Huursubsidie) (see paras. 178-179);

(i) The establishment of a Housing Council (Raad voor de Volkshuisvesting - RAVO). This council has been in existence for 30 years. Its official tasks include advising the Government on housing policy, at the request of the Government or on its own initiative. In principle, the Council aims to formulate unanimous recommendations, which, however, is not always possible or even necessary. In accordance with the provisions of the Housing Act members are drawn from various sectors of society, including representatives of housing organizations (federations of housing associations, homes for the elderly, tenants, owner-occupiers, women, consumers, estate agents and employees in the construction sector, mortgage companies, advisory engineers, town-planners, building inspectors, health care and environmental organizations, provincial and municipal administrations). Membership is limited to four years and is not open to Members of Parliament.

166. The Housing Act is a framework on the basis of which many subsequent decrees have been issued (some of which are referred to above).

167. After the Second World War many new laws were enacted which, although they were intended to be temporary measures, often proved to have a permanent character. The main ones are:

The Housing Space Act (Woonruimtewet) of 1947; this Act was replaced by the Housing Allocation Act (Huisvestingswet; see below);

The 1950 Reconstruction Act (Wederopbouwwet); this Act is for the most part no longer in force;

The Rent Act (Huurwet), also of 1950, which formed the basis for periodic rent increases. This Act was replaced in 1979 by the Residential Tenancies (Rent) Act (Huurprijzenwet Woonruimte) and the 1986 Rent Tribunals Act (Wet op de huurcommissies).

168. The Residential Tenancies (Rent) Act contains provisions on the renting and letting of living accommodation. It stipulates that one general set of rules concerning rents will be valid for the entire country; rents for living accommodation will have to be attuned as much as possible to the quality of that accommodation (a specific, detailed rating or valuation method has been devised to determine quality and value in terms of a certain number of "valuation points"); there should be a balanced distribution of rights and

duties between tenants and landlords; disputes concerning the acceptable level of rents should be resolved without going so far as to terminate the rental agreement; a clear and efficient procedure for settling rental disputes has been implemented (rent tribunal and sub-district court).

169. Rent tribunals (huurcommissies) are responsible for solving disputes about reasonable rents and changes to rents. More serious cases may have to go before the sub-district court. The members of the tribunals are experts. The number of secretariats which support the work of the rent tribunals has diminished from 16 to 11. In 1994, 99,901 cases were dealt with by the tribunals.

170. In the 1980s a number of Acts were passed. The Urban and Rural Regeneration Act (Wet op de stads- en dorpsver-nieuwing), which entered into force in 1985, included a new set of subsidy instruments for urban and rural regeneration. Under this Act, a national regeneration fund was created in 1985, integrating several previously existing, separate subsidy schemes. State funds for urban and rural regeneration are transferred directly as a lump sum to the municipalities without prior State scrutiny and approval of local municipal regeneration plans. The municipalities are only required to submit reports.

171. Housing plays an important role in the Act and the measures it lays down include the repair and improvement of dwellings, improvement of the residential environment, etc.

172. Dutch urban regeneration policy is aimed at increasing social diversity within urban areas. During the past few years it has been targeted towards building more expensive housing in cities to encourage city-dwellers with average incomes to continue living there, as well as to attract people from outside. A number of recently completed projects to this effect have proved successful.

173. One feature of urban regeneration is the refurbishment of private rented accommodation. Grants are made available for this. Refurbishment costs for this subsector must amount to more than 50,000 guilders per dwelling in order to qualify for a grant. Other measures include court orders making property owners effect the necessary improvements and the provision of information to such landlords.

174. The funds required for urban and rural regeneration have been calculated in great detail. It is forecast that about 21,000 million guilders are needed to cope with regeneration activities; approximately 11,000 million guilders of this sum will come from central Government, around 3,000 million guilders from local government and the remaining 7,000 million guilders is expected to consist of revenues from selling plots.

175. About 75 per cent of the resources of the Urban and Rural Regeneration Fund are spent on towns and cities with over 100,000 inhabitants; the rest goes to smaller population centres.

176. It is expected that central Government's responsibility for urban and rural regeneration will end in the year 2005. Present policy assumes that local institutions together with the private sector will be able to cope after that date.

177. The 1985 Municipalities (Preferential Rights) Act (Wet voorkeursrecht gemeenten (WVG)) improved the scope for municipalities to implement land policy in the framework of urban and rural regeneration. The Act determines that municipalities have the right of first refusal when owners of land put up land for sale. In this way the municipalities can purchase land, for example for social housing purposes, and prevent speculative practices that might otherwise be expected to arise in certain specific areas. This Act, which is now restricted to areas within city limits, will from 1996 onwards also apply to extension areas outside city limits.

178. The 1985 Housing Benefit Act (Wet individuele huursubsidie) created a legal basis for rent relief for individual tenants, which in fact had already been provided since about 1970.

179. Individual housing benefit is a central housing policy instrument. Dutch social housing policy has always been characterized by an awareness of the need to protect the interests of the individual tenant against, for instance, excessive rent hikes. Nowadays, about 905,000 households receive this kind of relief; this is about 14 per cent of total households and 29 per cent of the total number of households in rented accommodation. The number of recipients has increased quite considerably, but over the last few years the increase has averaged about 5 per cent annually. The present State budget for housing benefit is about 1.9 million guilders; actual total expenditure is approximately equal. This is about one-third of the total national housing budget. There is a maximum of 5,225 guilders per year per recipient (1995). The present average amount paid is, however, much less: about 2,000 guilders per year, which amounts to about 165-175 guilders per month per recipient. Housing benefit as a percentage of the total amount of rent to be paid by a tenant can vary between 4 per cent to 46 per cent; the average is about 30 per cent. About 41 per cent of the recipients are retired people and about 23 per cent are unemployed. A multi-person household (irrespective of the exact number of household members) on the minimum wage can receive, on average, the equivalent of about 10 per cent of its income from housing benefit.

180. The 1981 Unoccupied Buildings Act (Leegstandwet) entered into force only in 1986. At present, this Act regulates the temporary letting of unoccupied premises. The number of vacant properties in the Netherlands is quite limited, amounting to 2.3 per cent in 1990; part of this percentage is inevitable and enables the housing market to function properly. Elements of the Unoccupied Buildings Act have now been incorporated into the Housing Allocation Act (see below).

181. The 1993 Housing Allocation Act (Huisvestingswet) replaced the Housing Space Act (Woonruimtewet) of 1947.

182. The Housing Allocation Act aims to achieve a balanced and just distribution of scarce residential accommodation. It deals with both the

distribution and the composition of the housing stock. In connection with the freedom of settlement, free disposal of private property, and the non-discriminatory nature of legislation, explicit reference is made to international agreements, including article 12 of the International Covenant on Civil and Political Rights, article 13 of the Universal Declaration of Human Rights, and protocol 4, article 2, of the European Convention for the Protection of Human Rights and Fundamental Freedoms.

183. The basic premises underlying the Act are freedom of settlement and the right to own property. The Act is in force throughout the Netherlands, but in line with its basic premises is activated only when there is a scarcity of affordable living accommodation for lower-income groups. This is why the scope of the Act has been limited to dwellings up to certain maximum levels of rent or purchase values; below these levels a residential permit is required. The issue of a residential permit cannot be restricted for dwellings exceeding such rent- and/or purchase-value levels (apart from a number of specified cases). In comparison with the former Housing Space Act and related legislation, the Housing Allocation Act contains less stringent restrictions regarding the acquisition of a residential permit, also with a view to facilitating regional housing mobility.

184. The Act's target group are the municipalities, which are responsible for ensuring that there is adequate residential accommodation for their inhabitants, especially people on low incomes, the elderly, the disabled and asylum-seekers. The municipalities are obliged to concern themselves with the accommodation of these socially and economically weaker groups of people. This can be done in a variety of ways, for instance by drawing up waiting lists which rank certain categories of people in search of residential accommodation in terms of urgency.

185. The Housing Allocation Act enables municipalities to requisition residential accommodation. Only vacant properties can be requisitioned, for a maximum period of 10 years.

186. Under the Act, municipalities may determine in their by-laws whether a permit is needed if a dwelling is to be subdivided (woningsplitsing). Grounds for refusal to provide such a permit are stipulated in the Housing Allocation Act.

187. Municipalities may likewise determine whether residential accommodation may be used for other than residential purposes (woningonttrekking) or residential accommodation units combined (samenvoeging van woonruimte). The objective of such legislation is the retention of residential accommodation or improvement of the occupancy of the existing housing stock.

188. Legislation relevant to land use, land distribution, land allocation, land zoning, land ceilings, expropriation (including provisions for compensation), land planning, (including procedures for community participation). The relevant Acts here are the 1965 Spatial Planning Act (Wet op de Ruimtelijke Ordening) and the 1985 Municipalities (Preferential Rights) Act (Wet voorkeursrecht gemeenten) referred to above.

189. Legislation concerning the rights of tenants to security of tenure and protection from eviction, housing finance and rent control (or housing benefit), affordable housing, etc. The relevant legislation in this context is contained in the Civil Code (Burgerlijk Wetboek), the Residential Tenancies (Rent) Act (Huurprijzenwet Woonruimte) and the Housing Benefit Act (Wet individuele huursubsidie), (see paras. 178-179).

190. With regard to the private rental sector, private landlords have the same freedom to set rents as social landlords (housing associations) have. Their stock is sometimes somewhat older (pre-Second World War) and may lack proper upkeep and maintenance. They often impose high annual rent increases. In view of this situation, instead of considering a stricter policy on rent levels for private landlords, the Ministry of Housing is trying to ascertain whether deferred maintenance of their stock can still be effected, for example by legally enforcing substantial rent decreases.

191. Non-discrimination. The following specific groups may be mentioned here, although it should be noted that specific attention has traditionally been paid to them, also in terms of housing.

192. It is the aim of policy that the housing needs of these specific groups be met as much as possible in the framework of regular housing policy. For instance, previous specific legislation regarding caravan dwellers and caravan sites has been incorporated in the previously mentioned Housing Subsidies Decree, the Building Decree and the Residential Tenancies (Rent) Act. However, specific measures may prove necessary.

193. A distinction is made between (a) asylum seekers who have to be accommodated while awaiting a formal decision to obtain a residence permit; (b) asylum seekers who have obtained a conditional or permanent residence permit and for whom regular housing must be found. About 70 per cent of these groups is made up of single people, while 30 per cent belong to a complete or incomplete household.

194. Policy nowadays is such that central Government is directly responsible for accommodation for people belonging to group (a). These people are housed in a number of reception centres throughout the country.

195. Accommodation of people belonging to group (b) is the responsibility of the municipalities. Recently, legislation came into force which obliges the municipalities to find accommodation, every six months, for a certain quota of people belonging to this group. The municipalities and housing associations may decide themselves how this responsibility is to be incorporated into their housing allocation policy.

196. The Ministry of Housing has made additional subsidies available to facilitate housing provision for these people, including temporary accommodation (wisselwoningen) needed to bridge the period before regular dwellings have been constructed or made available. Such temporary dwellings may be built at locations which have not or have not yet been designated for housing according to the municipal land-use plan. Housing allocation procedures (municipal ordinances) have been adapted in such a way as to improve the chances of the people concerned on the housing market.

197. Rent contracts for such temporary dwellings are subject to normal rent and letting legislation (Civil Code, art. 7A). They are considered to be dwellings within the meaning of the Residential Tenancies (Rent) Act referred to above. This means that stipulations concerning their valuation, maximum rent adaptation percentages, etc. are similar those applying to other rented accommodation.

198. The quality requirements relating to such dwellings may not differ from what is prescribed in the Building Decree with regard to regular housing.

199. Nowadays not much use is made of such temporary dwellings, partly as a result of the sharp drop in the numbers of asylum seekers; sufficient accommodation can now be found within the existing housing stock.

200. The following numbers of asylum seekers and numbers of asylum seekers who obtained some form of temporary or permanent residence permit relate to the years 1992, 1993 and 1994:

	1992	1993	1994
Number of asylum seekers:	20 000	35 000	52 000
Number of asylum seekers who obtained a residence permit:	11 000	15 000	19 000
Number of asylum seekers who have been accommodated in a regular or temporary dwelling:	±3 000	15 000	22 000

201. Refugees who have formal status are treated in the same way as any other ordinary Dutch citizen on the housing market.

202. The provinces have supervisory tasks. The distribution of responsibilities between the administrative levels is to be incorporated in the Housing Allocation Act referred to above.

203. The increasing ageing of the population will necessitate special housing measures. It is expected that by the year 2015 over 40 per cent of heads of Dutch households will be 55 or older. The aim of policy is to allow the elderly to live independently for as long as they can. Measures include installing lifts in existing dwellings, and other interior alterations. Increasingly, attention is also being paid to constructing housing in such a way that it can, if need be, be easily adapted.

204. For elderly people who are in need of more care and services, sheltered homes (woonzorgcomplexen) have been developed during the past few years. This development is taking place parallel to a decrease in the capacity of homes for elderly people. The numbers of homes for the elderly amounted to 1,498 in 1992, with 126,929 occupants.

205. Legislative changes have been made with regard to grants for housing conversion measures for disabled people. These are available under the Services for the Disabled Act (Wet voorzieningen gehandicapten) from funds which are now administered by the municipalities.

206. Specific legislation with regard to mobile homes and sites for mobile homes will be integrated into regular housing legislation. This also involves a change in the form of subsidy. A major evaluation report on policy for mobile homes was published at the beginning of 1995 by the Ministry of the Interior. Specific policy for this group has been in existence for more than 20 years. Much has been achieved, mainly in terms of the improvement of the quality of the living environment of caravan dwellers. The report has prompted the conclusion that policy priority will shift from housing to education and economic measures for these people.

207. In 1994 there were 9,250 sites for mobile homes; this number has increased over the years (the number in 1987, for example, was 7,058). There is no disproportional shortage of sites for mobile dwellers in comparison with the general housing shortage.

208. Repeal or reform of existing laws which detracts from the fulfilment of the right to housing. There has been no repeal or reform detracting from the legislative measures designed to ensure adequate housing outlined above.

209. Legislation restricting speculation on housing or property, particularly when such speculation has a negative impact on housing rights for all sectors of society. The State used to incorporate anti-speculation provisions in its regulations on (social) housing subsidies in order to prevent those selling housing (individual home-owners of premium-assisted dwellings or housing associations owning subsidized housing) from making unduly large profits. Since January 1989 such anti-speculation provisions are no longer included in the subsidy regulations. Nowadays, policy is such that the municipalities concerned are free to impose anti-speculation conditions. The State is not allowed to interfere in this competence. Municipalities are also empowered to impose such conditions in relation to non-subsidized property, as they were in the past.

210. Environment. As stated above, the Building Decree lays down a number of minimum quality requirements, one being "health". This involves requirements concerning levels of noise, light, moisture, ventilation, air quality, the use of building materials which are detrimental to health (e.g. formaldehyde), etc. A separate decree exists with regard to the removal, storage and use of asbestos, while legislation is in preparation concerning radon.

211. A system of registration of complaints regarding compliance with such requirements will be detailed and complaints analysed. A classification for a "healthy house" will be developed.

212. Important provisions relating to housing and environmental planning in the Netherlands is also contained in: the Environmental Management Act (Wet milieubeheer); the Soil Protection Act (Wet bodembescherming); the Noise Abatement Act (Wet geluidshinder).

213. Housing associations. In the Netherlands housing associations play a very important role, owning a large share of the total Dutch rental stock. In 1992 there were 853 such associations; their numbers have somewhat decreased in the course of the years as a consequence of mergers. They are free to operate subject to certain legal conditions which, if met, ensure that they are granted official recognition.

214. The 1993 Decree on Management of the Social Rental Sector, already mentioned in paragraph 165, offers such housing associations a greater degree of self-reliance, of freedom to determine their own policy and more opportunity to respond to market forces.

215. An important new measure taken under this Decree is what is called "rent pooling" (huursombenadering). This enables the housing associations to make larger differentiations between individual dwellings in the degree of the rent increases within their housing stock. Formerly they were bound by generic rent increases to levels prescribed by central Government. However, the total sum of their rent increases must amount to the State-prescribed increase. Furthermore, new proposals have been made to regulate the relationship between the housing association - as a social landlord - and its tenants. The housing associations are now obliged to involve their tenants in policy formulation and management. Furthermore, former detailed provisions concerning aspects, including financial aspects, of the management of these associations have now been deleted, thus allowing for greater self-reliance and self-determination. However, at the same time, the housing associations are clearly expected to render account annually (post factum) of their activities, especially in terms of living up to their explicit social housing responsibilities, i.e. providing accommodation to lower-income households. This account must be rendered to the municipal authorities where these often locally based associations operate. Ultimately, the Minister for Housing remains responsible for the supervision of these associations. The Minister may, on his/her own initiative, undertake investigations and impose sanctions.

216. A very important government measure to increase the self-reliance of these associations has been the "grossing-up operation" (bruteringsoperatie). The operation also applies to the municipal housing institutions. This operation is, in fact, a trade-off of outstanding government loans provided to the housing associations in the course of past years against existing government housing construction subsidy obligations. In other words: the interest and amortization of these government loans will not have to be paid back by the housing associations (and municipal housing institutions) who, in turn, will henceforward not receive previously promised construction subsidies. The existing financial ties (mutual financial obligations) between the parties are thereby broken. This is a very major financial operation amounting to about 35,000 million guilders. In budgetary terms this means that the government subsidy obligations for future years will be written off in one year (i.e. the national housing budget of 1995). This is reflected in the very high budget for that year (see para. 232).

217. The parties involved and the Dutch Parliament have agreed to this trade-off. It will be implemented on the basis of a separate Act (the Bruteringswet).

218. Affordable housing. The Dutch housing scene used to be characterized by a large degree of subsidization and the proliferation of different subsidy schemes. Although many of these schemes still exist, no new government financial commitments are being made under these old schemes; these will therefore gradually decline and disappear.

219. As far as construction/development subsidies in housing are concerned, we now have two subsidy schemes, which have recently been introduced and described in two separate decrees:

(a) Housing-related subsidies, as formulated in the Housing Subsidies Decree (Besluit Woninggebonden Subsidies); and

(b) Location-related subsidies, as formulated in the Decree on Location-related Subsidies (Besluit Locatie-gebonden Subsidies).

220. These subsidy schemes are mainly targeted on a designated number of specific, large urban regions in the Netherlands where in total 460,000 dwellings are planned for construction in the period 1995-2005.

221. The housing subsidies are intended to reduce the cost of building low-cost (social rental) dwellings thereby reducing their rent-level and making them affordable for lower-income groups. It is expected that only about one quarter of total new housing construction in the period mentioned above will be subsidized. This is about 25,000 dwellings per year, costing on average about 12,000 guilders per new social dwelling. Total construction costs (including land costs) of such dwellings are calculated at about 140,000 guilders. This means an average initial rent of 725 guilders per dwelling per month, which means that - as far as the rent level criterion is concerned - the occupant of such a dwelling is still eligible to receive housing benefit (which is described elsewhere in this document). The subsidies can also be allocated towards such housing-related activities as the construction of mobile homes or major refurbishment of certain private rental dwellings.

222. The location-related subsidies are meant to reduce the costs of land development for housing. For these land costs an average subsidy of 4,500 guilders per dwelling is available.

223. The municipalities concerned are expected to help achieve the construction of the total number of dwellings referred to, irrespective of how exactly they spend the subsidies described above, in cooperation with housing associations, project developers and other actors on the housing market.

224. Besides these subsidies, mention must be made of four funds. The Central Housing Fund (Centraal Fonds voor de Volkshuisvesting (CFV)) was set up in 1988. It is a fund of and for housing associations; its capital is fed by compulsory payments from these associations. It is also called the "Solidarity Fund", because its function is to provide financial help to housing associations which have insufficient financial reserves. In the past (until 1988), this was the responsibility of central Government and municipalities, and the housing association concerned. However, once the

housing associations were considered to have amassed sufficient financial reserves of their own, they took over sole responsibility from local and central Government. The Fund is now an independent body in which central Government and the Union of Dutch Local Authorities (Vereniging van Nederlandse Gemeenten - VNG) are also represented.

225. The Social Housing Guarantee Fund (Sociale Sociale Woningbouw - WSW), set up in 1984, is a private fund that guarantees loans made by housing associations for the construction of new social rented housing and for the improvement of existing social rental housing; a few years ago the scope of guarantee activities was widened. Lower interest rates can be obtained thanks to the existence of the Fund. The Fund's resources are supplied by the capital market. Central Government used to act as guarantor; however, the present role of central Government and municipalities is limited to one of counter-guaranteeing the loans.

226. Both the above-mentioned Funds operate effectively and provide the funding necessary to housing associations.

227. The Guarantee Fund for Owner-occupiers (Waarborgfonds Eigen Woningen - WEW) was set up in January 1995. Though the Fund is not intended to serve the rental sector, it is of relevance here because it enables owner-occupiers who lack sufficient means to acquire a house of their own. The guarantee for the mortgage needed to buy a dwelling is provided by the Fund. The capital used to be provided by central Government and the municipalities and the guarantee construction called the "municipal guarantee". This role has now been taken over by the Guarantee Fund for Owner-occupiers which provides what is known as a "national mortgage guarantee" (nationale hypotheek garantie). Its goal is similar to that of the former municipal guarantee: the promotion of home-ownership. The fund's capital is provided by contributions from the mortgage lenders themselves. This enables the Fund to operate in a financially independent way. The role of central Government and the municipalities is limited to preventing the Fund from going bankrupt if it should run into financial difficulties.

228. The National Restoration Fund (Nationaal Restauratie Fonds - NRF) was established in 1985. It provides low-interest mortgage loans for the restoration of listed buildings including nowadays, for instance, low-cost pre-Second World War dwellings. The Fund's capital is furnished by central Government. It works as a revolving fund.

229. Land-use. In principle, all measures concerning the designation of land-use are taken at municipal level in the context of the local land-use plan (bestemmingsplan) which is the only legally binding spatial planning document in the Netherlands. Virtually every part of the country is covered by a local land-use plan. That is not to say that other administrative levels (provincial, national) do not have a considerable influence on policy (at national level through statements of policy, guidelines and financial controls and at provincial level through regional plans).

230. The Netherlands is a small, very densely populated country with an elaborate spatial planning system operating at the three levels (municipal, provincial, national). There is very little unutilized or underutilized land.

In the category "mis-utilized land" could be included tracts which are environmentally polluted (often, for instance, as a result of industrial use). Great efforts are being made to clean up (decontaminate) these tracts to make them available for normal use, in the context of the National Environmental Policy Plan (Nationaal Milieubeleidsplan).

231. Housing policy in the Netherlands is focused, in the first instance, on the maximum utilization of land within the boundaries of designated existing large cities and towns (VINEX-locaties), if necessary through intensification, in other words an increase in housing density. This policy is clearly expressed in the most recent national spatial planning policy document (Vierde Ruimtelijke Ordening nota-extra ("VINEX")). If this option does not prove to be practicable in some cases (for instance The Hague has virtually no land left that can be used for housing), then land as close as possible to the existing city/town is to be used, even if it has to be cleaned up (decontaminated), providing the expense is not too great.

232. Budget. The following table shows expenditure for housing within the national budget.

Table 6. The national budget, budgeted housing expenditures and percentage of housing expenditures within the national budget

Year	Total national budget (million guilders)	National housing (million guilders)	Percentage of national housing budget as part of total national budget
1970	29 524	2 590	8.77
1975	62 815	5 490	8.74
1980	114 893	8 964	7.80
1985	166 737	14 360	8.61
1990	186 029	12 249	6.58
1995	233 282	43 287 a/	18.56
1996	205 630	5 663	2.76
1997	210 898	5 689	2.70
1998	217 705	5 704	2.62
1999	225 260	5 823	2.59

a/ This one-off very high budget is the consequence of a financial trade-off between the State and housing associations/institutions aimed at increasing the financial self-reliance of the latter.

Financial assistance specifically for homeless people - as described - is provided by the Ministry of Health, Welfare and Sport.

233. Practices negatively affecting the right to adequate housing. No such changes have occurred. On the contrary, during the past few years (since 1988) the Government has taken numerous measures to clarify the responsibilities and rights of various institutional and individual actors in the housing process and effectively to target governmental support efforts on changing, differentiated and specific housing situations deserving State attention. The general approach was formulated in a Policy Document on

Housing in the Nineties (Nota Volkshuisvesting in the jaren negentig) which was approved by Parliament in 1988 and subsequently implemented. The major guidelines of this policy document are: (a) increasing decentralization of State means and powers to the Dutch municipalities; (b) increasing self-reliance of private social housing institutions (often local community-based) in terms of their powers to decide policy, and carry out management and financial tasks; and (c) deregulation.

234. These may be considered the major guidelines for an "enabling approach" in housing in the Netherlands. Concrete examples of how these guidelines have been implemented have been given above.

Adequate food

235. Food production in the Netherlands greatly exceeds the population's requirements. During recent decades food production and agricultural production in general have increased rapidly and the production and import/export statistics show that the Netherlands is one of the countries with a large net export of food. There are, however, substantial imports of food and cattle feed from various industrial and developing countries.

236. Product quality (e.g. in terms of hygiene, residue levels, contaminants and nutritional quality) is high and meets legal as well as other consumer requirements.

237. The prices of common foodstuffs are relatively low. Low-income groups are able to buy adequate amounts of food. In periods of severe recession extra attention is paid to the low-income groups. Specific measures may be taken. At the moment there are no programmes to secure the food supply of special groups. An important consideration in this respect is the percentage of income that is spent on food. This decreased from 37 per cent in 1960 to 14.9 per cent in 1993. There are no regional differences which would be relevant here.

238. The foregoing shows that food and nutrition policy in the Netherlands focuses on food quality and the promotion of healthy eating habits by the various population groups, rather than on the supply of food as such. General policy is described in the Food and Nutrition Policy report presented to Parliament in 1984, which was followed by progress reports in 1989 and 1993.

239. Nutrition surveys covering 6,000 people were made in 1987 and 1992. The next one will most probably take place in 1997. The figures show an adequate supply of micro and most macronutrients. However, from the health point of view, fat consumption and to a lesser degree energy intake are considered to be too high.

240. In 1986 a long-term campaign aimed at reducing fat consumption was started. A positive downward trend (fat represented 40 per cent of total calory consumption in 1987 and 38 per cent in 1992) has been noted. The campaign will continue in the next few years, and will include both a direct and an indirect approach to lowering fat consumption till the optimum of 35 per cent is reached.

241. Nutritional education is an important instrument of food and nutrition policy in the Netherlands. The leading organization in this field is the Food and Nutrition Information Office. This organization is mainly financed by the Government, that is to say the Ministries of Health, Welfare and Sport and the Ministry of Agriculture. The Office directs its activities at the public, educational and information institutions and industry.

242. Environmental considerations are of growing importance in food production and consumer choice. Important topics are the use of pesticides and a more balanced use of fertilizers. Attention is particularly focused on organic farming, both nationally and by the EU. The area under cultivation and the number of organic farmers are slowly increasing. High prices, due to lower production levels and distribution problems, prevent organic farming from expanding any faster.

Article 12 (health)

National health policy

243. For the purposes of this question the reader is referred to the publication Health for All (enclosed as an annex) in general and to the sections on WHO aims on health-care policy and primary health care in particular.

Budget

244. In 1995 expenditure on health care was an estimated 59,440 million guilders or 9.3 per cent of GNP. In 1990 these figures were 48,844 million guilders or 9.5 per cent of GNP and in 1985 they were 40,710 million guilders or 9.6 per cent of GNP.

245. In 1995 government expenditure came to 233,926 million guilders. In 1990 it was 187,981 million guilders and in 1985 it was 166,491 million guilders. Expenditure on health care as a percentage thereof was 25.4 per cent, 26 per cent and 24.5 per cent respectively. The major part (over 80 per cent) of the cost of health care is funded from insurance premiums and only 10 per cent from the budget (i.e. taxation). About 7 per cent is funded from "other sources" such as patients' own payments.

246. Primary health care, including drugs and medical appliances, accounted for an estimated 27.1 per cent of the total cost of health care in 1995. In 1990 and 1985 these figures were 28.5 per cent and 26.5 per cent respectively.

Statistical information

247. Following is statistical information concerning the health of the population:

(a) Infant mortality rate: see sections 7.1 and 7.4 of annex 3 of Health for All by the Year 2000: Monitoring Report 1993-1994 The Netherlands;

(b) Access to safe water: the entire population of the Netherlands has access to drinking water that meets stringent bacteriological and chemical requirements. In rural areas only a very small number of households rely on groundwater from private, usually shallow, wells;

(c) Infants immunized against diphtheria, pertussis, tetanus, measles, poliomyelitis and tuberculosis: see section 28.1 of annex 3 of Health for All by the Year 2000: Monitoring Report 1993-1994 The Netherlands;

(d) Life expectancy: see 6.1 and 6.2 of annex 3 of Health for All by the Year 2000: Monitoring Report 1993-1994 The Netherlands;

(e) In principle 100 per cent of the population has access to trained personnel for the treatment of common diseases and injuries owing to the low threshold for visiting general practitioners and the accident and emergency department of hospitals. Every person in the Netherlands can obtain expert treatment for common diseases and injuries within the hour;

(f) All women in the Netherlands have access to facilities providing specialist advice and treatment during pregnancy and childbirth. For statistics on maternal mortality see section 8.1 of annex 3 of Health for All by the Year 2000: Monitoring Report 1993-1994 The Netherlands;

(g) All babies in the Netherlands have access to care facilities.

Health insurance

248. Almost every resident of the Netherlands is insured for medical expenses. Approximately 100,000 are not, some by their own choice. Not having medical insurance is not necessarily an indicator of poor health, as anyone who is not insured under the Health Insurance Act and does not wish to take out private medical insurance can remain uninsured. This group includes people who are very wealthy or self-employed, those who object on principle to insurance, homeless students and illegal immigrants. Any person who cannot afford to pay the premiums for private medical insurance can apply for assistance under the National Assistance Act.

249. People who are uninsured have to pay the cost of medical care themselves, unless their financial situation is such that they can obtain assistance under the National Assistance Act.

250. No special insurance measures are taken for particular sections of the population which might be considered vulnerable.

Funding

251. Dutch health care is funded mainly from government and private health insurance funds. A distinction is made between the funding of serious medical risks (these are medical costs which because they are long-term or very expensive constitute such a high risk that they cannot be borne by individuals or adequately covered by private health insurance companies) and the funding of "regular" medical expenses.

252. Serious medical risks are covered by the Exceptional Medical Expenses Act, under which all residents of the Netherlands, regardless of nationality, are compulsorily covered.

253. There is a wide range of forms of insurance to cover "regular" medical expenses. The Health Insurance Act provides compulsory medical insurance to employees and people receiving social security benefit whose income is under 58,950 guilders (1995 threshold). People who have a State old-age pension under the General Old Age Pensions Act are compulsorily insured if this amount, plus income from or related to commercial or professional work, is under 30,950 guilders annually.

254. Spouses, cohabiting partners of the insured party and children may be co-insured in certain circumstances. Approximately 63 per cent of the Dutch population is insured under the Health Insurance Act. In addition, there are a number of forms of compulsory insurance for civil servants. Here too, spouses, cohabiting partners and children can be co-insured. Approximately 5 per cent of the population is insured in this way. People not insured under the Health Insurance Act or under a scheme for civil servants, approximately 32 per cent of the population, can take out voluntary insurance with one of the many private insurance companies operating in the Netherlands. An estimated 100,000 people have no medical insurance, some of these by their own choice.

255. Dutch health insurance covers all the costs of medical care, whether caused by illness, accident at work or otherwise, occupational illness, pregnancy or childbirth.

256. There is no separate system of assistance with medical costs in the Netherlands. For further information the reader is referred to the enclosed brochure "Health insurance in the Netherlands".

Mental health care

257. There is a separate policy on mental health care: see the enclosed policy document on the situation as regards mental health care in the Netherlands.

258. In the field of mental health care fewer patients are institutionalized; more patients are living independently in sheltered and supervised units and resocialization and rehabilitation are increasingly taking place. Moreover, legislation such as the Psychiatric Hospitals (Compulsory Admission) Act and the Medical Treatment Contracts Act provide protection for psychiatric patients and safeguard their rights.

259. The effect of the above is that more tailor-made care is provided and that care is far more geared to resocialization than was previously the case. Moreover, every effort is made to prevent admission to hospital. It should be noted, however, that these changes were slow in coming initially, and that there are still too many hospital beds for psychiatric patients and a shortage of sheltered living units. This situation is changing rapidly at present.

Prevention

260. The Government has set up, maintained and funded a vaccination programme for children; 95 per cent of children in the Netherlands have been vaccinated against diphtheria, whooping cough, tetanus, polio, haemophilus influenza, mumps and German measles.

261. An effective infrastructure to combat infectious diseases has been built. The Control of Infectious Diseases and Investigation of Causes of Disease Act and the Public Health (Preventive Measures) Act give the municipal authorities a central role in combating infectious disease. The National Coordinating Office for the Control of Infectious Diseases plays a special role in crisis situations.

262. Organizations funded by government or private means help in the fight against specific diseases. They conduct research, carry out monitoring and preventative tasks and try to improve treatment. Some of these organizations are the Travel Vaccination Coordinating Office, the STD Foundation, the Centre for Information on Hepatitis, the AIDS Fund Association, various cancer research organizations, the Royal Tuberculosis Association and the Rheumatoid Arthritis Association.

263. The Government is devoting increasing attention to prevention. There is a great deal of emphasis on a healthy lifestyle and early diagnosis and treatment. The Working Conditions Act and safety, health and welfare services play an important role in the prevention of occupational illness. The protection of health is of a high standard and there is adequate monitoring of compliance with the regulations.

264. The total health-care system comprises general practitioners, services which are easily accessible for all and which can be consulted anonymously, municipal health services, out-patient clinics, general hospitals and hospitals specialized in a particular field.

Vulnerable groups

265. Under the Dutch health insurance system, people belonging to socially and economically weak sections of society also have access to health care. Any person who is living independently but has no income is entitled to benefit payments under social insurance legislation. Recipients of benefit are compulsorily insured under the Health Insurance Act and therefore have access to short-term health care. People who have been granted the status of asylum seeker also have access to compulsory health insurance.

266. All socially and economically vulnerable people in the Netherlands are insured under the Exceptional Medical Expenses Act for long-term care (e.g. nursing homes, care of the disabled and long-term psychiatric care).

267. The Dutch Government also encourages the creation of tailor-made care for certain vulnerable groups. For example, in recent years special wings in hospitals have been opened for the care of geriatric and AIDS patients.

268. The availability of donor organs is the main restrictive factor in heart, liver, kidney and lung transplants. The supply of donor organs has, moreover, been dropping in recent years. The policy of the Dutch Government and the transplant centres is geared to making optimum use of the available donor organs by the application of stringent criteria with regard to indication. In principle a reasonable result must be possible, in terms of both the quality of life and life expectancy. This approach means that organs are given to the most suitable patients. This is not the policy followed the world over. In some places any extension of life expectancy is seen as an indication for a transplant. As the indications are not the same nationally and internationally, there is a situation of inequality before the law for potential recipients. Under the Dutch system too organs are not always given to the most suitable patients. However, the guaranteed access to health care for socially and economically vulnerable groups in society, and the tailor-made care which has been developed for some of them has, generally speaking, had a beneficial effect on their health status.

The elderly

269. See targets 4, 6 and 30 in Health for All by the Year 2000: Monitoring Report 1993-1994 The Netherlands (enclosed as an annex to this report). Most of the elderly have medical insurance. Those with an income under 30,950 guilders (1995 figure) are compulsorily insured under the Health Insurance Act. For a relatively small premium of 148 guilders per month, those over the age of 65 have access to a (private) standard care package as referred to in the Medical Insurance (Access) Act. All residents of the Netherlands over the age of 65 are compulsorily insured under the Exceptional Medical Expenses Act.

Community participation

270. See target 13 in Health for All by the Year 2000: Monitoring Report 1993-1994 The Netherlands (enclosed as an annex to this report). General patient policy helps encourage the participation referred to.

International assistance

271. WHO has helped develop a policy for health, rather than a policy geared only towards the treatment of disease. It also promotes health and stimulates the exchange and transfer of knowledge. The Council of Europe provides support in solving the ethical issues involved in health care policy such as organ donation, the protection of privacy, equal access to health care, protection of vulnerable groups, patient rights, etc. The European Union plays an important role in the protection of health in matters such as product safety, registering, standardizing and importing drugs, regulations relating to food and environmental safety, simulating scientific research, the development of technology, setting up projects for the exchange of knowledge, etc. The EU is also increasingly involved in prevention policy.

272. Within the framework of social medical insurance the right to provide medical care to people who are insured under reciprocal arrangements is guaranteed as far as possible by a system of bilateral and multilateral (EU, European Economic Area, Council of Europe) coordinating regulations.

Article 13 (education)

The education system

273. Freedom to provide education. The freedom to provide education, which is enshrined in the Constitution, has had a fundamental impact on tne Dutch education system. While the Government is responsible for providing education in public-authority schools, anyone who wishes to establish a private school on the basis of religious or other convictions is, in principle, free to do so and to organize teaching in the school. In practice, private schools are usually established by associations or organizations representing a particular religion, philosophy of life or educational philosophy. There are many different types, but the majority are either Roman Catholic, Protestant or general. Nearly 70 per cent of the country's school-age population attend private schools.

274. Funding of education. Public-authority and private schools have equal status in the Constitution - and this applies to funding too. Private schools receive the same allocations from the public purse as the public-authority schools, provided they choose to comply with the requirements and conditions to which the public-authority schools are bound by law. Numerous regulations have been drawn up and supervisory bodies established as a result. The competent authorities of public-authority schools are the municipalities, while those of private schools are the school boards which are appointed by the executive committee of the association or organization that established the school.

275. Organization of the education system. The Dutch education system is organized as follows:

Primary education for children between the ages of 4 and 12;

Special education: a variety of provision for children and young people between the ages of 3 and 20 with special needs;

Secondary education for young people from the age of 12, comprising: pre-vocational education (VBO); junior general secondary education (MAVO); senior general secondary education (HAVO); pre-university education (VWO).

The first two or three years of the above forms of secondary education are devoted to basic secondary education, a broad curriculum of academic and technical subjects.

Higher education: higher professional education (HBO); university education (WO); open university (OU); international education;

Adult and vocational education: senior secondary vocational education (MBO); part-time MBO; apprenticeship training; tailored courses; non-formal adult education; adult basic education; adult general secondary education (VAVO);

Recognized courses provided by commercial educational institutes.

276. Courses vary in length and level and it is possible to move from one to the other.

277. Compulsory education. Under the Compulsory Education Act of 1969, children are obliged to attend school full-time from the first school day of the month following their fifth birthday; in practice, however, nearly all children attend school from the age of four. Full-time education is compulsory until the end of the school year in which the pupil reaches the age of 16 or has completed at least 12 full years of schooling. Those who leave school at the age of 16 are obliged to participate in part-time education until they reach the age of 18.

278. In 1994, the 1969 Act was amended in two important ways. Children from the age of 12 who play truant may be liable to a penalty, ranging from a warning to a fine. Pupils aged 14 and over who are unable to cope with full-time education may, in future, be eligible for certain types of part-time education. This option will, however, apply in exceptional cases only.

279. The municipal authorities bear primary responsibility for the implementation of the Compulsory Education Act and for ensuring that both public-authority and private schools comply with its provisions. To this end, the Act requires each municipality to appoint one attendance officer who is responsible for ensuring that every school-age child registered as a resident of the municipality is enrolled at an educational establishment. In smaller municipalities this officer will frequently have additional duties.

Right to primary education

280. Admission. Primary schools cater for children between the ages of 4 and 12. Primary education is free of charge. Some schools may require a parental contribution, but they may not refuse to admit a child whose parents cannot or will not pay. Parents can choose to send their children to either a public-authority or private school.

281. Participation. Under the provisions of the 1992 Education Participation Act, primary schools are required to set up a participation council on which staff and parents are represented in equal numbers. The parents' council is responsible for advising the parents who are members of the participation council and for coordinating other activities organized by parents.

282. Special education and restricting segregation. Mentally or physically handicapped children may be referred to special schools. It is, however, the aim of government policy to strengthen the expertise and capacity of mainstream primary schools and to equip them with a full range of care options so that pupils with slight learning and behavioural difficulties will, in future, be able to get the extra attention and supervision they need without being transferred to special schools. However, primary schools cannot adopt this new approach without the support and expertise of the special education sector. For this purpose, the rigid division now existing between mainstream and special education will need to disappear, so that special schools can provide the support services needed.

283. If primary schools can provide assistance in the form of remedial teaching or special classes early on in a child's school career, referral to a special school can be avoided. To this end, the special and primary education sectors have set up regional networks to which extra funds have been allocated. Each of these networks consists of some 30 primary schools and 2 special schools. Their main purpose is to enable special schools to assist primary schools by acting in an advisory capacity and organizing special classes in which pupils can receive extra tuition.

284. Separate provision will be maintained for children with more severe learning and behavioural difficulties.

285. Special schools. There are various types of special school which cater for the needs of mentally or physically handicapped children and children with learning or behavioural difficulties who cannot receive adequate assistance in an ordinary primary school.

286. There are special schools or facilities for deaf children, partially hearing children, children with severe speech disorders, visually impaired children, children with multiple handicaps, physically handicapped children, children with learning and behavioural difficulties, children with learning difficulties, children with severe learning difficulties, severely maladjusted children, chronically sick children, children in hospitals and pre-school age children with developmental difficulties.

287. Educational priority policy (OVB) programme. In order to combat educational disadvantage effectively, the Dutch Government is now pursuing Educational Priority Policy (OVB), a comprehensive package of measures which was introduced in 1986 to replace former, less structured policies. The OVB programme targets pupils who, due to their socio-economic, cultural or ethnic background, fall behind at school. As part of this programme, schools with a high proportion of children from such backgrounds are given extra resources. Moreover, extra resources are also allocated to networks of primary and secondary schools in socio-economically deprived areas and areas with large ethnic minority populations to fund joint activities. These activities may be organized by the schools themselves, or by school advisory services or welfare organizations. The principle underlying the formation of these networks is that schools are often unable to tackle the complex problems leading to educational disadvantage on their own. Cooperation leads to a more efficient use of resources and enables schools to set up activities they could not set up alone.

288. In 1993, the Primary Education Act and the Secondary Education Act were amended to incorporate the OVB programme and both now contain provisions on the funding of educational priority areas. The regulations concerned, which were endorsed by the Minister of Welfare, Health and Cultural Affairs, thus demonstrating that these measures receive wide support, specify the objectives of policy and outline the relevant financial arrangements. They also require the Government to draw up a national priority policy framework every four years setting out policy objectives and providing guidelines for activities to be undertaken at both local and regional level.

289. Primary schools with 75 per cent or more OVB target-group pupils on their rolls are entitled to extra resources. Special schools and secondary schools at which a specific percentage of the target group are enrolled may join an OVB school network, thus forming an educational priority area. At present there are 45 of these areas receiving a total of 57 million guilders in State subsidies for joint activities. Schools are also entitled to additional resources if they are located in areas with large Gypsy or caravan-dweller populations.

290. The national priority policy framework sets out educational priority policies for periods of four years at a time. The following objectives were identified for the 1993-1997 period:

(a) Improving performance in language and mathematics;

(b) Devoting special attention to the teaching of Dutch as a second language (NT2) to immigrant pupils;

(c) Improving the reception of new entrants into the Dutch education system;

(d) Ensuring a more balanced distribution of pupils from differing backgrounds in the various forms of secondary education;

(e) Reducing absenteeism and drop-out.

291. Of the Dutch population, 42 per cent finished lower secondary education, 37 per cent completed secondary education and 21 per cent have a university education. The number of pupils in primary education is 1,552,000.

Right to secondary education

292. Having completed their eight years of primary school, young people generally go on to secondary school at the age of 12.

293. The Secondary Education Act (WVO), which has been in force since 1968, identifies the objectives of secondary education as follows: to enable young people to develop by providing them with knowledge, skills and understanding, and, in public-authority schools, imparting to them traditional Dutch moral values based in particular on Christian and humanist principles. In private schools, moral values are taught in accordance with the beliefs or convictions on the basis of which the school was founded.

294. Secondary education comprises the following pre-vocational education (VBO) (four years); junior general secondary education (MAVO) (four years); senior general secondary education (HAVO) (five years); pre-university education (VWO) (six years); other forms of secondary education.

295. VBO, MAVO and the first three years of HAVO and VWO constitute the first stage of secondary education. The fourth and fifth years of HAVO and the fourth, fifth and sixth years of VWO fall within the second stage.

296. Senior secondary vocational education (MBO) and adult general secondary education (VAVO) currently fall within the scope of the Secondary Education Act. In future, however, they will be governed by separate legislation, i.e. the Adult and Vocational Education Act (WEB), and the policy that is now being drawn up anticipates this change. MBO and VAVO will therefore be discussed in the chapter on Vocational and Adult Education.

297. Basic secondary education. In the 1993/94 school year the first stage of secondary education was changed radically with the introduction of basic secondary education (BAVO). In the first three to four years, secondary school pupils of all abilities are required to complete a broad general curriculum comprising both academic and technical subjects for which attainment targets have been set. These attainment targets specify standards of knowledge and skills which pupils are required to achieve before continuing their education. New subjects in the curriculum are information technology studies, social and life skills and technology.

298. Admission. Pupils are generally admitted to secondary school at the age of 12, after they have completed primary school. Decisions on admissions are made by the competent authority, which may appoint an admissions board to act on its behalf. The admissions board comprises the head teacher and one or more teachers from the secondary school in question, in addition, in some cases, to representatives of the primary schools in the catchment area. The head teacher of the feeder primary school is responsible for drafting a report on the educational potential and level of achievement of the pupil applying for admission.

299. There are no special conditions for admission to VBO, although every VBO school has an admissions board. To be eligible for admission, pupils must have completed the final year of primary education or the last year at a special school where the syllabus corresponds to that of mainstream primary schools.

300. Pupils aged 12 and over who have attended mainstream primary, special primary and/or special secondary schools may be admitted to individualized vocational education (IVBO). The admissions board draws up recommendations or decides on the admission of each child after consulting the report issued by the feeder school and examining the results of psychological tests.

301. To be eligible for admission to MAVO, HAVO or VWO, pupils need to have been given a positive assessment by their primary schools. Where both MAVO and VBO are provided within the same school, there are no conditions for admission.

Vocational education

302. Vocational and adult education have much in common; they cater for the same target groups, and they provide comparable courses of study and share the same social objective, i.e. to enable pupils, students or participants to function independently both in society and on the labour market. Although their structures differ, they are funded in much the same way. Senior

secondary vocational education (MBO), part-time MBO, the apprenticeship system and tailored courses for the unemployed all fall within the scope of vocational education.

303. Senior secondary vocational education (MBO). Senior secondary vocational education (MBO) is largely geared to training students for middle management positions in industry, the service industries and government. To gain admission, new entrants must have completed VBO or MAVO. Courses last a maximum of four years. Longer courses (three or four years) lead to jobs in middle management or further study at Higher Professional (HBO) level. Intermediate courses (max. three years) train students for specific professions, while short training courses (max. two years) lead to a basic qualification, enabling students to enter the labour market or gain admission to a longer MBO course. MBO comprises four sectors, i.e. technology, agriculture and the natural environment, economics and service industries, and health care. An important compulsory component of MBO courses is the work experience placement, during which candidates must achieve targets established nationally by the Minister of Education, Culture and Science. The MBO examinations consist of an internal exam set by the school and, for some subjects or subject components, an external exam.

304. Apprenticeship training. Apprenticeship training (LLW), for which the education sector, the Government and the business sector share joint responsibility, constitutes a combination of practical and theoretical training. Students generally attend school on one or two days a week and spend the other days undergoing practical training. Admission to an apprenticeship scheme, which may take between one and three years, is open to any young person of 16 or over, whether or not he or she is in possession of a VBO or MAVO leaving certificate. The system is funded by the Ministry of Education, Culture and Science.

305. There are three levels of apprenticeship:

(a) Elementary training for MAVO or VBO leavers takes two or three years and leads to a basic qualification;

(b) Secondary training takes one to two years and leads to a professional qualification; to be eligible for admission, students must have undergone elementary training or have attended a short MBO course;

(c) Advanced training takes one or two years and leads to specialist qualifications; to be eligible for admission students must have undergone secondary training or have attended an intermediate MBO course.

306. Theory is taught on a day-release basis at either schools for part-time vocational education (CBO) or MBO/CBO schools. Apprentices receive their practical training on the job or in special purpose-built laboratories and employers enter into agreements in which they undertake to provide the appropriate training. Some companies have special laboratories where students can practise their skills, under the guidance of a supervisor, either as a supplement to or substitute for on-the-job training. Training culminates in a nationally recognized qualification, issued by the national professional organization in question.

307. Admission. Students may be admitted to schools for senior secondary vocational education with a VBO certificate, a MAVO certificate, evidence of having passed the third year of HAVO or VWO, a qualification from a short course or any other qualification designated by the Minister. These requirements apply to the short, intermediate and long courses; for admission to the first year of the intermediate and full-length courses, however, additional requirements may be set as to the number of subjects passed at a specific level (the VBO and MAVO examinations, for example, can be taken at several levels, which vary in degree of difficulty). The requirements vary from sector to sector. In exceptional cases, the inspectorate may grant dispensation from these entry requirements, but the final decision on admissions rests with the competent authority of the school in question. The requirements listed above are minimum entry criteria. The schools may themselves have additional preferences with regard to such matters as subject combinations, examination results and the applicant's aptitude and motivation for the particular course of study. Admission to the one-year orientation and bridging programmes is not dependent on previous qualifications.

Higher education

308. Higher education, to which students are admitted from approximately the age of 18, comprises higher professional education, university education and the Open University (higher distance education).

309. Higher professional education (HBO) caters for students who have completed VWO, HAVO or three-year MBO courses.

310. There are 13 universities in the Netherlands. Most higher professional and university courses take four years, although, in some cases, they may take as long as five or six years. All courses culminate in an examination. Universities also provide postgraduate training, but places on courses - which vary in length from one to four years - are limited.

311. The Open University (OU) caters for people of 18 and over who are unable or unwilling to do a full-time university course. No prior qualifications are required for admission to the Open University.

312. Admission to HBO. The following qualifications are required of students wishing to be admitted to an institution for higher professional education a HAVO certificate; a VWO certificate; an MBO certificate (three or four-year course).

313. Any applicant possessing one of the above qualifications is, in principle, eligible for admission. However, for some courses, students may be required to have passed their HAVO, VWO or MBO examinations in two specific subjects, which are designated by the Minister. If such a requirement is imposed, it applies at every college of higher professional education in the country and notification is given well in advance.

314. Institutions may also impose requirements relating to the practice of the profession in question.

315. Since the 1994/95 academic year, students have no longer been able to enrol directly at HBO institutions. A central system, similar to that applicable to university admissions, has now been introduced. Where there are too many applicants for the number of places available on a course, lots are now drawn to determine which students will be admitted, albeit that those with the best exam results have a better chance.

316. Admission to university. To be admitted to university, students must have passed either the pre-university (VWO) school-leaving examinations, a first-year higher professional examination or the university entrance examination (colloquium doctum). For some courses of study, students may be required to have passed their VWO examination in two specific subjects, or, where this is not the case, to take additional courses before sitting their first year examination. The colloquium doctum entrance examination is for candidates of 21 or over who have passed neither the VWO nor a first-year higher professional examination.

317. There is a central admissions system. Where places are limited and labour market demand for the qualification in question low, the institutions themselves or the Minister of Education, Culture and Science may decide to apply a numerus clausus (quota) to specific courses. Lots are drawn to determine which students are to be admitted to the first year, their number being restricted to a specific maximum. Where no numerus clausus arrangements apply, students are free to study at the university of their choice.

318. Students may be enrolled on a course for a maximum of six years, after which they may only enrol as "auditors" and on payment of higher fees.

Study costs

319. Allowances. Education is free of charge for all children up to the age of 16. Some private schools require a parental contribution, but such contributions are voluntary and may not constitute an obstacle to the admission of pupils. The costs incurred by secondary school pupils relate to the purchase of books and teaching aids, travel and - where applicable - living away from home. Pupils of 16 and over who are attending a government-funded secondary or special school also have to pay annual tuition fees, the level of which is set each year. The average tuition fees (in guilders) in secondary education in recent years are given below:

1992/93:	1,198
1993/94:	1,349
1994/95:	1,385
1995/96:	1,406
1996/97:	1,461.

320. Pupils who have not yet reached the age of 18 and attend secondary school full time or have gone on to full-time higher education are eligible for allowances under the Study Costs Allowances Scheme for the under-18s. The size of the allowance depends on parental income. People aged 21 and over attending full-time or part-time MAVO, HAVO or VWO courses, "Dutch as a second language" courses, teacher training courses in subjects for which there is a shortage of teachers, or Open University courses may be eligible for

income-linked allowances under the Study Costs Allowances Scheme for the over-21s (TS21+). With the introduction of the Study Costs Allowances Act (WTS) a new scheme will probably come into operation in the 1995/96 school year to replace these two schemes. Students aged between 18 and 21 on courses which now fall within the scope of the TS21+ scheme will continue to be eligible for study cost allowances. Students attending VAVO and part-time MBO courses, or undergoing apprenticeship training will have to pay tuition fees.

Table 7. Tuition fees (average; in guilders)

	1993	1994	1995	1996
VAVO	388	400	409	419
Apprentinces	376	376	376	376
Part-time MBO	453	464	476	496

321. Financial assistance for students. The Student Finance Act (WSF) applies to students between the ages of 18 and 27. All students enrolled in full-time secondary or higher education are entitled to a non-repayable basic grant, the size of which depends on the course in question and whether or not they are living away from home. Depending on parental income, students may be able to claim supplementary financial assistance, which is granted partly in the form of an interest-bearing loan which must be repaid after completing the course, and partly in the form of a supplementary grant which, like the basic grant, is an outright gift. From 1 January 1995, interest bearing loans will be unrelated to parental income. Some students may also qualify for a single parent allowance or an allowance for their partner. This allowance, which is additional to the basic grant, is not dependent on parental income and need not be repaid.

322. All students receiving financial assistance are entitled to a public transport pass which allows them more or less unrestricted travel on public transport throughout the Netherlands. From 1 November 1994, students have been able to choose between a weekday pass and a weekend pass. The weekday pass entitles them to unrestricted travel during the week and cut-price travel (40-50 per cent off) at the weekend, and the weekend pass works more or less vice versa. Students of 27 or over do not forfeit their entitlement to financial assistance as long as they are continuing without interruption a course of study they started before reaching this age. However, the grant is paid entirely in the form of an interest-bearing loan. There is, in addition, a limit to the length of time students in higher education are eligible for financial assistance.

323. The maximum period for assistance in the form of a non-repayable grant is currently five years (official course duration plus one year's grace). There are plans to scrap the extra year. After this period, students are entitled to a maximum of two years' assistance in the form of interest-bearing loans, provided they have not exceeded the maximum period in which they may be enrolled as a full-time student at an institution for higher education. Higher education institutions have been given special funds with which to make

financial provision for students whose progress has been delayed due to circumstances beyond their control or personal circumstances ("auditor" or course completion funds).

324. Students are required to obtain a minimum number of credits each year. This is currently 25 per cent of the standard study load for the year, but from 1 September 1995 the figure will be 50 per cent. Students who fail to fulfil this requirement will have their conditional non-repayable grant for that year converted into an interest-bearing loan. There are plans to reverse this system, so that students will initially receive a loan which will later be converted into a non-repayable grant if they meet the performance requirements. These requirements are also to be adjusted.

325. Tuition fees. The tuition fees for students attending institutions for higher education were 2,150 guilders in the 1994/95 academic year. These fees are subject to statutory annual increases up to and including the 1995/96 academic year. As an alternative to enrolling as a full-time student, individuals may enrol as an "auditor" (to attend lectures and sit examinations after the expiry of the maximum period of enrolment) or as an external student (examinations only).

Table 8. WO/HBO tuition fees per degree course (in guilders)

	Full-time student	Part-time student	"Auditor"	External student
1993/94	2 050	1 550	2 870	1 180
1994/95	2 150	1 625	3 010	1 240
1995/96	2 250	1 700	3 150	1 300

Adult basic education

326. Adult basic education refers to educational provision the purpose of which is to enable adults to obtain the basic knowledge, attitudes and skills needed to function adequately both as individuals and within society. The activities in question fall into three general categories, relating to language skills, mathematics and social skills. Vocational orientation, and occupational and social activities also form part of adult basic education, and it is also possible for participants to set out individual learning pathways. Courses in Dutch as a second language are also provided.

327. The municipalities, acting independently or in collaboration, are responsible for planning and providing adult basic education, while the Ministry of Education, Culture and Science is responsible for allocating the necessary funds. The establishments providing the courses may generate their own funds by means of contract activities. Provision is, on the whole, small scale.

328. Adult General Secondary Education (VAVO). Adult general secondary education is still governed by the Secondary Education Act, but regulations on

planning and coordination are contained in the Adult Education Framework Act. As from 1 January 1996, VAVO will fall within the scope of the new Education and Vocational Education Act (WEB).

329. VAVO fulfils two roles. It provides adults with a second chance to gain a MAVO, HAVO or VWO certificate, or to study specific subjects at these levels. At the same time, it provides adults with the qualifications needed for access to further education. The Ministry of Education, Culture and Science is responsible for funding. Courses are provided on a part-time basis at special VAVO schools, either in the evening or during the day. Candidates seeking admission to VAVO need to have completed the compulsory number of years' schooling, in addition to fulfilling the specific requirements per type of school.

330. The following tables show the education budget and other figures:

Table 9. Ministry of Education, Culture and Science (OCW), budgeted and actual expenditure and revenue, in millions of guilders

	1992	1993	1994
BUDGETED			
expenditure		33 044	33 773
revenue		2 816	2 123
balance		30 228	31 651
ACTUAL			
expenditure	33 777		
revenue	1 876		
balance	31 901		

Source: Ministry of Education and Science, now the Ministry of Education, Culture and Science, Key Financial Statistics 1994.

Table 10. Estimated net OCW expenditure as a percentage of net national income (NNI) and as a percentage of total relevant central government expenditure

	1992	1993	1994
Net OCW exp. as % of NNI	6.4	6.1	6.4
Net OCW exp. as % of total relevant central government expenditure	15.7	14.9	16.6

Source: Education and Science Key Financial Statistics 1994.

331. Teacher salaries. Up to 1 April 1993, there was no difference between teachers' salaries and the salaries of other public sector employees. However, during this period, the salaries of certain categories of teachers - i.e. those on salary scale 7 and above - were subject to a temporary cut under the provisions of the Education Salaries (Provisional Deductions) Act. The Act was withdrawn as of 1 August 1993. The percentages deducted were as follows (in percentages):

from 1 January 1991:	0.71 per cent
from 1 January 1992:	0.56 per cent
from 1 January 1993:	0.40 per cent
from 1 August 1993:	0.00 per cent

332. From 1 January 1995, teachers' salaries have been slightly higher than the salaries of other public sector employees (between 7 and 20 guilders per month).

333. The following tables provide figures on participation in education.

Table 11. Participation in education in absolute terms (x 1,000), and in relative terms by age

	Absolute			Relative by age (%)			
1992	male	female	total	4-11	12-17	18-27	28-64
Full-time education							
BO	712.9	698.6	1 411.5	95.0	6.9	0.0	0.0
SP=(V)SO	74.4	35.4	109.8	4.3	0.2	0.2	0.0
BRJ 1-3	94.7	102.2	196.8	0.0	17.8	0.0	0.0
MAVO	80.0	91.2	171.1	0.0	15.3	0.1	0.0
HAVO	65.5	76.4	141.9	0.0	11.2	0.8	0.0
VWO	78.0	79.3	157.3	0.0	11.8	1.3	0.0
VBO	134.8	88.8	223.7	0.0	19.6	0.3	0.0
KMBO	19.1	16.9	36.0	0.0	1.4	0.9	0.0
MBO	132.2	115.5	247.7	0.0	6.4	8.0	0.0
HBO	110.8	96.0	206.8	0.0	0.3	8.7	0.2
WO	101.2	79.6	180.9	0.0	0.0	6.8	0.4
Total full-time	1 603.6	1 479.9	3 083.5	99.4	94.9	27.2	0.6
Part-time education							
DAO	38.5	69.0	107.6	0.0	0.3	2.0	0.8
VORM	3.2	3.6	6.8	0.0	0.3	0.2	0.0
LLW	99.8	42.1	141.8	0.0	1.8	4.2	0.4
MBO	8.0	7.5	15.5	0.0	0.0	0.3	0.1
HBO	24.1	23.2	47.3	0.0	0.0	0.6	0.5
Total part-time	173.7	145.3	319.0	0.0	2.4	7.2	1.8

Source: 1993 Reference figures. Including agricultural education.

Table 12. Participation in education in absolute terms (x 1,000), and in relative terms by age (x 1,000)

	Absolute			Relative by age (%)			
1993	male	female	total	4-11	12-17	18-27	28-64
Total full-time education	1 577	1 482	3 059	99	93	25	1
BO	721	706	1 427	95	7	0	0
SP=(V)SO	77	37	114	4	4	0	0
BRJ 1-3	198	216	414	0	38	0	0
MAVO 4	26	31	57	0	5	0	0
HAVO 4-5	41	50	91	0	7	1	0
VWO 4-6	51	51	102	0	7	1	0
(I)VBO	118	80	198	0	17	0	0
KMBO	22	19	41	0	2	1	0
MBO	117	112	229	0	6	7	0
HBO	109	101	210	0	0	8	0
WO	97	79	176	0	0	6	0
Total part-time education	170	137	307	0	2	7	2
VAVO	28	47	75	0	0	1	1
VORM	4	4	8	0	0	0	0
LLW	97	40	137	0	2	4	0
MBO	19	24	43	0	0	1	0
HBO	22	22	44	0	0	1	0
Agricultural education	33	18	51	0	2	1	0

Source: 1994 Reference figures.

Key:

BO:	Primary education
SP:	Special Education
(V)SO:	Primary and secondary special education
BRJ 1-3:	Transitional years 1-3
MAVO:	Junior general secondary education
HAVO:	Senior general secondary education
VWO:	Pre-university education
VBO:	Pre-vocational education
(I)VBO:	Pre-vocational education and individualized pre-vocational education
KMBO:	Short senior secondary vocational education
MBO:	Senior secondary vocational education
HBO:	Higher professional education
WO:	University education
DAO:	Day and evening classes
VORM:	Part-time non-formal education for school-leavers
LLW:	Apprenticeship schemes
VAVO:	Adult general secondary education

Special groups

334. Right to primary education. Integration and standardization are the two basic principles underpinning policy on education for disabled children in the 1995-1998 period. Policy will thus be brought into line with the long-established practice of ensuring that disabled people can integrate to the greatest possible extent into mainstream society. The guiding principle in this regard is to ensure that disabled people operate as far as possible on a normal footing with their non-disabled peers, and to provide special facilities only when necessary. As far as education is concerned, scope to devote attention to the specific problems and needs of disabled children must be created within mainstream education, while maintaining and, wherever possible, improving the quality of special education.

335. The above is in the interests of disabled children, as they will no longer be placed in an exceptional position but can continue associating with their non-disabled peers. In addition, particularly where secondary education, vocational training and adult education are concerned, disabled people will have access to a broader range of educational opportunities than those offered within the framework of special education. Integration into mainstream education will also facilitate integration into mainstream society.

336. Policy is geared towards equal opportunities and to giving disabled children and their parents more scope to decide for themselves how much assistance and support they need. However, these objectives give rise to a number of questions, the answers to which must first be sought. How, for example, are mainstream schools to be equipped to cope with the differences between their pupils, how can pupils with individual problems (including handicaps) best be helped, and what can be done to assist children who fall behind.

337. To address these questions, specific policy has been devised on the integration of mainstream and special education (Going to School Together policy), while scope is being explored to introduce personal budgets for children with special needs.

338. The main aim of the Going to School Together policy is to keep children with special educational needs within the mainstream primary school system, referring them to special schools only by way of exception. To this end, mainstream primary schools are to be equipped with the know-how and experience of the special school, so that they will be more capable of dealing with differences. Throughout the country, therefore, primary and special schools have set up networks with the purpose of exchanging knowledge and expertise.

339. In order to give the parents of children with special needs a greater say in their education, scope is now being explored to introduce personal budgets. Under this system, disabled children who have been referred to special schools will be allocated a separate, individual budget, from which any additional help that might be desired can be funded.

340. It is mainly through education that children from ethnic minorities can integrate into Dutch society. Welfare policy also plays a role in creating more opportunities in this regard. In order to improve the performance of children from ethnic minorities at school, and thus to give them better employment opportunities, activities and programmes are being developed within the framework of, for example, educational priority policy for both pre-school age children and children of school age. With these activities and programmes attempts are being made to ensure greater support for their educational development in both the school and home environment and in the community. The objective is to enable ethnic minority children to acquire the social and cognitive skills needed to give them a better start in life. These activities are described below.

341. Head start programmes have been devised for young children in the four to six age group and mothers from migrant families. Their objective is to promote the cognitive development of the children and to release their mothers from the social isolation they often experience, while at the same time encouraging the interaction between mother and child which is of such importance to the child's educational development. A similar programme exists for children in the two to four age group.

342. Head start programmes are provided in the language of the parents, as, in order to learn Dutch, it is of great importance that children first learn language skills from their parents. The activities in question are largely supervised by women from ethnic minorities who speak the language of the mothers, and can thus assist them in using the materials provided. The programmes are run through baby and toddler clinics, day-care nurseries, etc. or families may receive home visits.

343. Activities aimed at the integration of migrant children outside the school situation fall into two main categories, i.e.:

(a) Programmes geared to enhancing the knowledge and skills of young people from various age groups to enable them to function adequately both at

school and in society at large. The principal aim is to give these young people the opportunity to engage in extracurricular activities after school hours in such fields as the performing arts (music, dance and drama), sports, environmental studies, science and technology. The objective is to further their informal educational development outside the school situation and to enhance their cognitive skills, improve their self-confidence, develop their non-school skills and train them in the functional use of the Dutch language;

(b) Programmes geared to encouraging parents to assist their children in their educational development. Any real changes can only be effected with the support of the families and communities concerned. Studies are now being conducted to establish how this support can best be gained.

344. Right to secondary education. Reference is made to paragraphs 287-290 for information on policy on the integration of young people from ethnic minorities into society.

345. Right to fundamental education. From 1990 on, minorities policy has focused on the position of adult immigrants who are no longer eligible for compulsory schooling. A policy on the integration of newcomers has been devised the aim of which is to help new immigrants find a place in Dutch society as fully integrated members of the community. In order to do so, they need to learn Dutch and should be in a position to make use of the services and facilities available to the general public.

346. The programme is intended for new arrivals who have come to the Netherlands through the official channels and are planning to remain here permanently. More specifically, it targets people aged 18 and over (no further age limit), who have been granted a residence permit or refugee status and who might otherwise find themselves at a disadvantage in society. In principle, the programme is open to all newcomers to the country. However, as many are able to adjust without special assistance, it specifically targets people from countries whose nationals are known to have difficulty in adapting to life in the Netherlands. The countries in question are: Turkey, Morocco, Cape Verde, Tunisia, Suriname; developing countries in general; Aruba and the Netherlands Antilles.

347. The municipal authorities are responsible for planning local programmes and for organizing them as effectively as possible. The role of central Government comprises the development of a model programme for municipal authorities and the provision of support and (financial) incentives to those local authorities intending to introduce it. Most municipalities have organized such a programme.

348. The procedure is as follows. On registering at the aliens department and municipal registry office, each newcomer is invited to take part in the programme by the local organizers. It is up to the newcomer to decide whether to participate or not. However, studies have now been started into ways in which participation can be made compulsory. The programme consists of a course on Dutch society and language (which approximately 92 per cent of the participants complete) and personal counselling on public services, education

and/or care of children, vocational training and/or finding a job. The municipal authorities thus provide immigrants with an opportunity to integrate rapidly and effectively into society.

349. Education is both a means of transferring knowledge and a prerequisite of personal development. The demand for highly trained staff is on the increase. The education system obviously attempts to meet these requirements by educating the young, and it is to the young that education policy gives priority.

350. However, the increasing need for continuing education in general - due in part to the pace of technological development - and in particular the need for older employees and jobseekers to improve their skills, is recognized not only in the Netherlands, but throughout Europe. Efforts to keep people in work, improve performance and ensure that fewer people take early retirement or become jobless or unable to work will only succeed if older employees are given the opportunity to gain new skills.

351. Employers' organizations and trade unions bear the main responsibility for providing training opportunities for people in work, while the manpower services organization focuses its efforts on jobseekers. A recent study into the participation of older employees in training courses showed that there are few training funds which make specific provision for this category. Training is, however, of particular importance to this group as it can enable them to move on to less physically taxing jobs. An overview of collective labour agreements concluded in 1994 shows that agreements on the retraining and, especially, further training of company staff play an important role in age-oriented personnel policies.

352. The European Union has pointed out that employees are increasingly being confronted with new production methods and technological innovation. Regular further training will therefore be needed. In order to encourage the provision of training courses for people in work, the EU has released funds from the European Social Fund for Objective 4 purposes in the 1994-1999 period. The Netherlands is planning to use these funds to organize training courses for low-skilled employees, a large number of whom belong to the category of older employees.

353. In addition to training, it is the Central Planning Office's view that demotion, flexible retirement ages and part-time work form the key to improving the employment prospects of older people.

354. For people to whom the above does not apply, a system of adult or second chance education exists. People no longer in work may attend courses explicitly relating to other activities in society, such as voluntary work.

355. Educational provision for the over-55s spans, in principle, all levels. There are professional and vocational courses as well as courses geared to leisure activities. Most people in this age group tend not to opt for courses leading to specific professional qualifications, but for courses which are of importance to their personal development and which they attend for their personal satisfaction. This applies in particular to the over-55s who are no longer in paid employment. Courses in social and cultural subjects at both

local and national level are particularly popular, while there is considerable demand for courses provided by the welfare services and specific (mainly private) courses. Provision is largely State-funded, with the exception of private or contract courses.

356. A number of vulnerable groups can be distinguished among the over-55s. Women who had little opportunity to gain an education at an earlier age benefit in particular. Education for the over-55s can also enable members of this age group to participate more easily in decision-making processes.

357. At all levels, twice as many women as men attend courses for the over-55s, a fact which can be explained by the difference in educational level. In 1990, 56 per cent of the women in this age group had been educated to primary level only, as opposed to 36 per cent of the men. The Social and Cultural Planning Office expects the difference to have dropped by 10 per cent by the year 2010.

358. It is largely up to the over-55s themselves to decide whether and how they wish to participate in society, but there are a number of obstacles which can impede their participation in fields such as politics, or on committees, in leisure activities, or training courses. Measures have been taken to remove such obstacles, and to enable elderly people to participate as independent members of society for as long as possible. In this context, reference can be made to the elimination of unjustified ageist distinctions, the encouragement of social networks and the establishment of information services.

Article 15 (culture)

Right to take part in cultural life

359. Main legislation. In 1988 a new modus operandi was introduced for the planning of Dutch policy on the arts: the Arts Plan, a document that lays down government policy on the arts for a period of four years. As a result, most of the subsidies for individual institutions active in the arts - right across the spectrum from theatre, mime, music and film to art, design, architecture and the amateur arts - are also laid down for four years at a time. Government policy on the arts is thus discussed in its entirety every four years, both in relation to the fundamental principles on which this policy is based and as regards the financial consequences for each sector of the arts and each individual organization. At the administrative level the Arts Plan consists of a large number of cohesive decisions on subsidy allocations, each furnished with substantive arguments.

360. In fixing subsidies for four-year periods, the Government sets out:

(a) To introduce greater flexibility into the arts budget (by ensuring that discussions on all institutions are held simultaneously every four years rather than annually);

(b) To ensure greater continuity for the institutions themselves (they have a legal entitlement to subsidies for four years at a time);

(c) To enhance the profile of the Government's actions in the arts (the Arts Plan has made both the Government and the institutions themselves more accountable than in the past for the policies they pursue).

361. Since 1993, when the Act on Specific Cultural Policy entered into force, this system has applied to the entire realm of the arts, and the Arts Plan thus constitutes part of the "policy document on culture". This policy document set out the main lines of policy - also for a four-year period - for the whole field of culture, which in addition to the arts includes the media, libraries and the preservation of the cultural heritage.

362. Any institution wishing to become eligible for a multi-year subsidy must submit a policy plan before a specified date, outlining the plans it wishes to realize. The Minister then requests advisory opinions from the Arts Council, the Cultural Heritage Council and the Media Council (a merger of these three into a single Culture Council is effective as of 22 November 1995). The Minister decides whether or not to support the policy plan six months before the beginning of the period covered by the next cultural policy document at the latest. The decisions must first be submitted to Parliament as part of the cultural policy document before they enter into effect.

363. The Council plays an important role in the procedure, as it is a basic principle in the Netherlands that the Government should refrain from making judgements on artistic merit, leaving such appraisal to independent experts. One important advantage of this principle is that developments in the realm of culture are translated into policy relatively fast.

364. The Council advises both on the principles of the policy as set forth in the policy document and on the individual institutions applying for subsidies, assessing the latter on the basis of the policy plans they submitted. Once a four-year subsidy has been granted, the Council monitors the institution concerned to check whether it is following the approved policy plan, and draws up periodic internal evaluations. The purpose of these evaluations is twofold: they are important as a check on whether the institution is in fact keeping to the "promises" made in its policy plan, and they also play a role in decision-making on subsidy applications for the next period.

365. In order to offer institutions a larger measure of continuity, subsidies are granted in the form of a multi-year budget. The Minister determines the subsidy for the entire period, to give the institution an opportunity to implement the approved policy plan.

366. In cultural policy, quality and diversity are the main criteria for resource allocation. Considerations of social and geographical distribution and effectiveness also play an important role. To promote participation in culture, the following steps have been taken:

(a) In the first place, cultural institutions such as orchestras, theatre companies, etc. are expected to increase their own income. Cultural institutions which are unduly dependent on government funding have little incentive to attract a wider public or to work more effectively. Possible ways of attracting larger audiences include allowing successful performances to run longer; publicizing the group's activities in other towns; compiling

the repertoire cautiously - thus giving the public an opportunity to develop along with the groups' artistic ambitions; widening the range of activities, so that popular productions can help cover the costs of more risky ventures; streamlining cooperation with venues; having fewer small units in select locations throughout the country while maintaining a high profile in major centres of culture; and making a clearer cost-benefit analysis in choosing the auditorium size;

(b) The scope afforded by radio and television to promote participation in culture will be used to better effect;

(c) Priority is to be accorded to sectors such as architecture and design, with which all members of the public come into direct contact, and sectors such as the cinema, which reach a large audience;

(d) Ways of boosting young people's participation in culture (youth theatre groups, children's films, etc.) are to be studied;

(e) A special budget is being introduced to support pilot projects aimed at promoting participation in culture.

367. Museums. The sole new development that has taken place since the first Kingdom report is that museums may now apply for government grants for projects that set out to attract a wider cross-section of the public. Ethnic minorities are identified as a special target group in this connection. Museums are believed to have a special contribution to make to the cultural identity of individuals and groups, through their presentation and interpretation of the cultural heritage. The Mondrian Foundation administers funds for the subsidization of isolated projects.

368. Central Government maintains a total of 17 autonomous State museums with permanent subsidies, in addition to giving occasional lump-sum grants to a large number of other museums. Its main aims here are to ensure the conservation and management of museum collections, and to boost the proportion of museum-goers among the general public. The State also funds four institutions that support museums in the areas of research, advice, documentation and training. Museums pursue individual policies as regards discounts, usually offering cheaper tickets for young people and the elderly. In addition, the museum pass, a joint initiative on the part of a large number of museums, may be purchased for 40 guilders; holders are admitted without further charge to all participating museums.

369. Books and reading. The instruments currently in force in relation to books and reading may be divided into two categories:

(a) Generic measures that have a general effect on the entire field of culture, or a large part of it. These measures are intended to strengthen the Dutch Government's general policy of enabling the population to become acquainted in many ways with the products of culture in Dutch society and in the international arena. One important instrument in this category is the fixed price for books. In addition, the lower VAT tariff is applicable to books;

(b) Copyright. In the near future, lending right is to be incorporated into the 1912 Copyright Act.

370. One final measure with a broad general effect is the legislation on public libraries. Since 1987, financial and substantive responsibility for the operation of local public libraries has been assigned to the local authority, i.e. the municipality, while the provinces are responsible for providing libraries with the direct support they require. The national Government is responsible for the cohesiveness, diversity, coordination and quality of the public library system as a whole.

371. Alongside these general policy instruments, the Government pursues certain targeted policies related to books and reading. These include special funds to support literary authors, literary publications and translations of Dutch literary authors. In addition, the State provides funds for several institutions and organizations which help to preserve and document the Dutch literary heritage, which help ensure that Dutch authors and their work are more widely known - especially among young people - and which perform other activities that stimulate interest in Dutch literature. One final point that merits inclusion under this heading is the existence of financial resources to promote specific objectives in the realm of books and reading: funds to encourage reading, to ensure the preservation and accessibility of the written cultural heritage, to foster wider participation in cultural activities and to support language policy. Reading has come under increasing pressure; people spend less time reading than in the past. Given the social and cultural importance of reading, the Government pursues a vigorous policy to encourage reading. Alongside the efforts of booksellers, publishers and numerous other interested parties, libraries and schools play an important role in this regard, with particular attention being paid to cultural minorities within Dutch society. Libraries, schools and other educational establishments are highly active in stimulating these groups to read and to make use of libraries. Some of the material used is in the minority language, but the aim is to foster integration into Dutch society and hence to encourage people to read Dutch.

372. Literature for the blind and partially sighted is currently provided nationwide by five libraries for the blind. These are subsidized in the interests of social and cultural considerations. For persons with a visual handicap, these libraries are almost the sole means of access to knowledge, information and culture, and hence also instruments of social integration and participation. Libraries for the blind lend out material that has been rendered suitable in various ways: i.e. Braille, audio books and large-type editions. Lending is free of charge, and a special postal service is provided. The Libraries for the Blind Fund was established on 1 January 1995, its task being to allocate the available resources to the institutions which supply the texts needed, whether in the realm of general literature, magazines and periodicals, textbooks and specialist literature or consumer material. The Fund also has the task of making sure that a comprehensive range of material is on offer in the various categories.

373. Multicultural society. The Netherlands is now a multicultural society. To mould this new society is a complicated task, however. This is scarcely surprising, as cultural identity runs very deep. So attuning different cultures to the sensitivities of others is a major enterprise.

374. The Government is currently conducting round-table consultations with local authorities, academics, representatives of various organizations and target groups and other persons directly concerned in these issues. The debate distinguishes three levels of development: achieving a basic minimum, encouraging participation, and building up a vision of a multicultural society.

375. The first level, achieving a basic minimum, concerns the need for government, individuals and community-based organizations to take firm action against racist and discriminatory behaviour. In 1992 an anti-racism declaration was drawn up to this end; this was subsequently endorsed by countless organizations and government bodies. Recently a pamphlet was published containing recommended guidelines for politicians to follow in debates on minorities. This was an initiative taken by several organizations representing ethnic minority groups and five political parties (from liberals and Christian democrats to social democrats and socialists).

376. The second level, participation, relates to the need to ensure that all groups participate on an equal basis in every area of society. More detailed information on this objective is included in other parts of this report.

377. The third level, building up a vision of a multicultural society, involves creating widespread awareness of the advantages of a mixture of cultures, both for those of Dutch parentage and for people of other cultures. The essential point here is that an open and tolerant multicultural society can expand everyone's range of options. Certain fundamental enabling conditions have been defined for the fruitful development of a multicultural society: these pre-requisites are a democracy based on the rule of law, freedom of expression and of worship, the right to self-determination, the integrity of the person, equal rights and opportunities for men and women, the freedom to establish schools, and compulsory education. The values listed here are regarded as essential to Dutch society and its well-balanced development, including the multicultural dimension. A variety of initiatives are currently under preparation to elaborate the issues summed up in this paragraph.

378. Broadcasting. The current broadcasting system is regulated by the 1988 Media Act (which has been amended on several occasions). This Act contains regulations on the provision and distribution of radio and television programmes, licence fees and financial support for newspapers and magazines. Its objectives are:

(a) To guarantee freedom of expression, freedom of information and diversity of expression by broadcasting organizations and the press, in keeping with the principles of a democratic society;

(b) To protect Dutch culture and give it more exposure, particularly on radio and television;

(c) To cater for the individual preferences and desires of the public.

379. Public broadcasting organizations must represent a certain social, cultural, religious or spiritual set of beliefs and must aim to satisfy the social, cultural, religious or spiritual needs of the public. They must offer a full programme, i.e. a varied package, consisting of informative and educational programmes, cultural items and entertainment. Broadcasting organizations must have at least 150,000 members; prospective broadcasting associations can apply for broadcasting time if they have 60,000 members. These newcomers must offer a range of programmes which differs from those of other broadcasting associations significantly enough to increase the diversity of national broadcasting.

380. The Netherlands Programme Service (NPS) transmits a programme designed to satisfy whatever social, cultural, religious or ideological needs of the public are not adequately catered for by the other broadcasting organizations. Part of this programme is aimed at ethnic minorities. The Dutch Cultural Broadcasting Productions Promotion Fund is responsible for providing funds to support the development of productions which reflect Dutch culture. The Fund derives its income from radio and television advertising.

381. Since 1992, commercial broadcasting companies transmitting on the cable network have also been allowed.

382. Public records. Public records legislation has been amended. The new legislation has cut the period after which public records are transferred to the State archives from 50 to 20 years. This will improve access to public records and enhance the cultural role that they fulfil.

383. Monuments and historic buildings. The protection of monuments is regulated in the 1988 Monuments and Historic Buildings Act. To date, this protection has focused chiefly on buildings dating from before 1850. The Monuments Inventory Project (MIP) is compiling a survey of sites and structures from the period 1850-1940 that are worthy of preservation, some of which will become eligible for protection in due course.

384. On the basis of the 1988 Monuments and Historic Buildings Act, municipalities may assume certain of the State's tasks and powers in this area. Central Government makes funds available for the restoration and maintenance of protected buildings. In addition, a number of non-governmental organizations active at national level receive financial support from central Government.

385. The Department for the Conservation of Historic Buildings and Sites is responsible, on behalf of the Minister of Education, Culture and Science, for implementing policy on monuments and historic buildings.

386. The statutory protection afforded archaeological sites is likewise regulated in the 1988 Monuments and Historic Buildings Act. The State Service for Archaeological Investigations is in charge of implementing policy on archaeology on behalf of the Minister.

387. In 1990 the Government launched the Delta Plan for the Preservation of the Cultural Heritage. The objective is to ensure, within the space of a few years, that adequate conservation and management of the cultural heritage are in place and backlogs eliminated. To achieve this, the Government has made a considerable investment in the active and passive preservation of elements that are important from the vantage-point of cultural history and that are threatened with decay. These extra investments relate to public records and museum collections, and to certain categories of monument.

388. The Government (in this case the Ministry of Education, Culture and Science) funds two educational institutions active in the field of the cultural heritage, one being the institute for the training of restorers and the other being the National School for Archivists. Students at these institutes are trained either to take on posts in public records departments and institutions with their own collections or to set up independently as restorers. In addition, the Reinwardt Academy, a college of higher professional education that trains students for museum posts, also resorts under the Ministry.

389. Finally, the Government pays for a large number of courses and other educational activities aimed at increasing the expertise of staff employed by museums, organizations involved in the preservation of monuments and historic buildings and public records departments.

Right to enjoy the benefits of scientific progress and its application

390. Few developments have taken place since the previous report. Central Government now funds the Central Laboratory for Research into Objects of Artistic and Scientific Interest, which conducts research on the preservation of cultural objects and disseminates knowledge about them to all interested parties. This keeps the financial barriers to obtaining information about them as low as possible. In addition, the Ministry of Education, Culture and Science occasionally commissions research from third parties such as universities.

391. Protection of moral and material interests of authors. The following developments have taken place since the previous Kingdom report. On 19 November 1992 the European Community adopted a Directive on rental right, lending right and rights related to copyright in the field of intellectual property. This is now in the process of being incorporated into Dutch legislation. Under the Rental Right and Lending Right Bill that is currently before Parliament, lending right will be incorporated into the Copyright Act. Copyright means that anyone wishing to lend out an author's work must first obtain permission from the author: in other words, the author is entitled to refuse such permission. Under the new Bill the author will not be permitted, in certain cases, to forbid the lending of his or her work, provided the lender pays an amount of money for it.

392. In 1993, to prepare for the Netherlands' accession to the International Convention for the Protection of Performers, Producers of Phonograms and Broadcasting Organizations concluded in Rome on 27 October 1961 and the Convention for the Protection of Producers of Phonograms against Unauthorized Duplication of their Phonograms, concluded in Geneva in 1971, a Neighbouring Rights Act was enacted, and the Copyright Act was amended accordingly. This Act now also grants exclusive rights to performing artists. In the case of a performance involving several artists, only a representative of the group elected by a majority of the participants may assert this right. The Act also empowers employers to take over the rights of performing artists in their service, when this follows from the nature of the contract of employment concluded between them, or is supported by custom or by requirements of reasonableness and fairness.

393. The European Community has adopted a Directive on the coordination of certain rules concerning copyright and rights related to copyright applicable to satellite broadcasting and cable retransmission. Under this Directive copyright and related rights must be acquired through an agreement in the country in which the item is beamed at the public by satellite. This prevents a broadcast from being subject to a battery of copyright regulations passed in different countries. This Directive is being incorporated into Dutch legislation, and is currently before parliament.

List of annexes*

Dutch cultural policy

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